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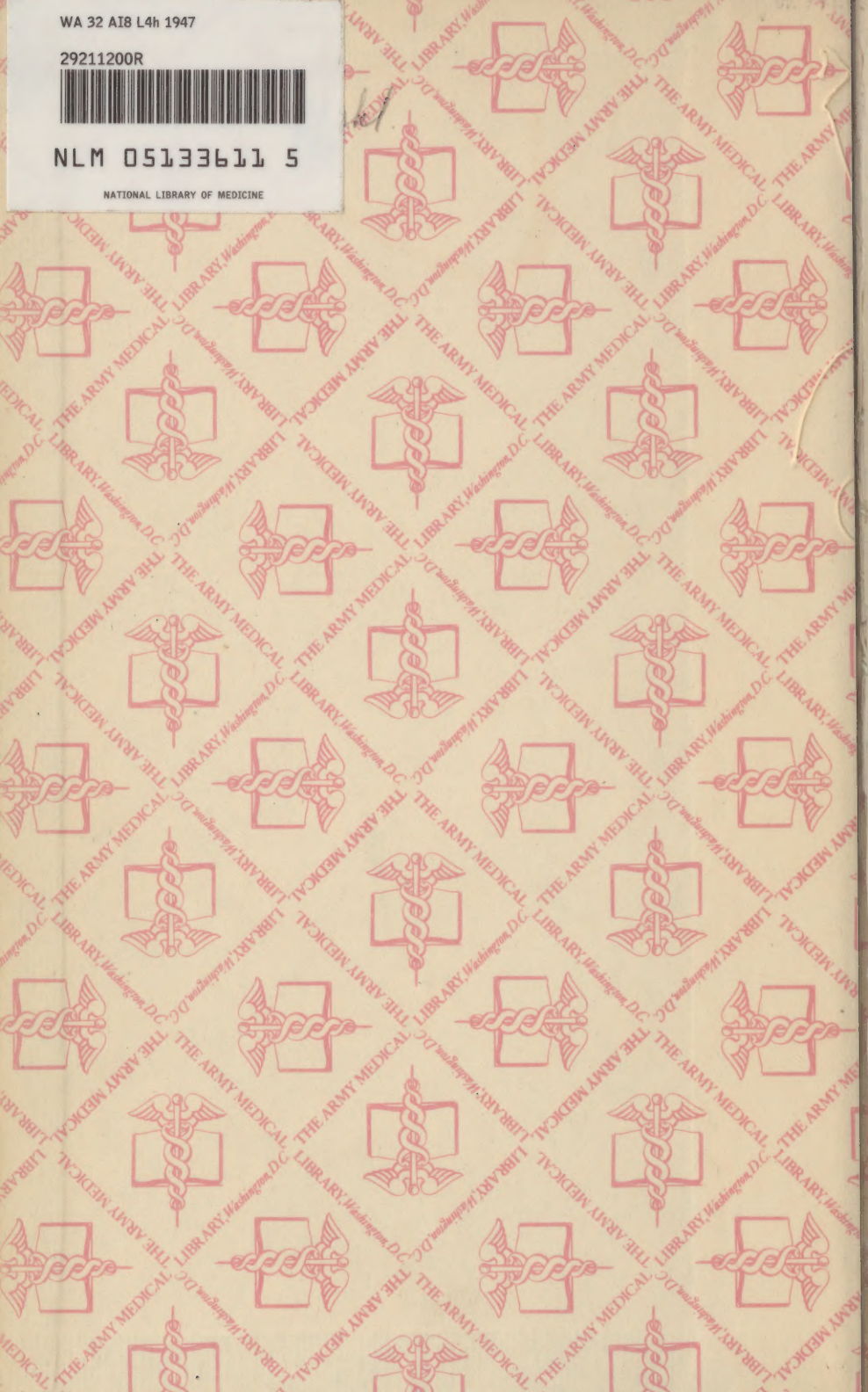
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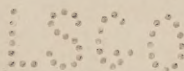
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State of Iowa *Laws, statutes, etc.*
1947

Health Laws, Opinions and Court Decisions

Compiled by
THE DEPARTMENT OF HEALTH
Walter L. Bierring, M. D., Commissioner



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FOREWORD

This new edition of the Iowa Health Laws contains a compilation of provisions of the statutes directly relating to public health and those professions affecting the public health, in force and effect as of July 4, 1946. Citations of decisions of the Supreme Court of Iowa and opinions rendered by the Attorney General's office construing these laws have been supplied when it is deemed that they may assist the user in interpreting the law. This edition also contains the full texts of the Iowa Basic Science Law, the Eugenic Sterilization Law, and the Uniform Narcotic Drug Act.

It is the object of this publication to acquaint its readers with the general health laws of Iowa. Should there be questions concerning any of these laws, a query directed to the State Department of Health, Des Moines, Iowa, will receive prompt and courteous attention.

This booklet, which has been printed at considerable expense to the state of Iowa, should be carefully retained and placed where it will be readily accessible.

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IOWA HEALTH LAWS

STATE DEPARTMENT OF HEALTH

135.1 Definitions. For the purposes of this title, unless otherwise defined:

1. "Commissioner" shall mean the commissioner of public health.
2. "State department" or "department" shall mean the state department of health.
3. "Health officer" shall mean the physician who is the health officer of the local board of health.
4. "Local board" shall mean the local board of health.

5. "Physician" shall mean a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopath and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as an osteopath shall be designated as an "osteopathic physician", and a person licensed as a chiropractor shall be designated as a "chiropractor".

6. "Rules" shall include regulations and orders.

7. "Sanitation officer" shall mean the policeman who is the permanent sanitation and quarantine officer and who is subject to the direction of the local board of health in the execution of health and quarantine regulations.

135.2 Appointment. The governor shall, within sixty days after the convening of the general assembly in 1925, and every four years thereafter, appoint, with the approval of two-thirds of the members of the senate in executive session, a commissioner of public health who shall be a physician specially trained in public hygiene and sanitation.

135.3 Disqualifications. The commissioner shall not be an officer or member of the instructional staff of any of the state educational institutions nor of any college in which is taught any of the professions for which a license must be obtained from the department to practice the same in this state, nor shall the commissioner hold any other lucrative office of this state, elective or appointive, during his term, but he shall devote his entire time to the duties of his office.

135.4 Term of office. The term of office of the commissioner shall be four years, commencing on July first of the year of appointment.

135.5 Vacancies. All vacancies in the office of the commissioner of public health that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the date on which the general assembly next convenes. Prior to the expiration of said thirty days the governor shall transmit to the senate for its approval an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments before the end of said session and for the unexpired portion of the regular term.

135.6 Assistants and employees. The commissioner shall employ such assistants and employees as may be authorized by law, and the persons thus appointed shall perform such duties as may be assigned to them by the commissioner, but the head of the division of examinations and licenses shall not be a person who has been licensed to practice any of the professions for which a license must be obtained from the department to practice the same in this state.

135.7 Bonds. The commissioner shall require every employee who collects fees or handles funds belonging to the state to give an official bond,

properly conditioned and signed by sufficient sureties, in a sum to be fixed by the commissioner, which bond shall be approved by him and filed in the office of the secretary of state.

135.8 Seal. The state department of health shall have an official seal and every commission, license, order, or other paper executed by the department may be attested with its seal.

135.9 Expenses. The commissioner, field and office assistants, inspectors, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route and their necessary and incidental expenses when engaged in the performance of official business.

135.10 Office. The state department of health shall be located at the seat of government.

135.11 Powers and duties. The commissioner of public health shall be the head of the "State Department of Health" which shall:

1. Exercise general supervision over the public health, promote public hygiene and sanitation, and, unless otherwise provided, enforce the laws relating to the same.

2. Conduct campaigns for the education of the people in hygiene and sanitation.

3. Issue monthly health bulletins containing fundamental health principles and other health data deemed of public interest.

4. Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. For this purpose the department may use the services of the experts connected with the bacteriological and epidemiological laboratory at the state university.

5. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the state.

6. Make inspections of the sanitary conditions in any locality of the state upon written petition of five or more citizens from said locality, and issue directions for the improvement of the same, which shall be executed by the local board.

7. Make inspections of the public water supplies, sewer systems, sewage treatment plants, and garbage and refuse disposal plants throughout the state, and direct the method of installation and operation of the same.

8. Establish, publish, and enforce a code of rules governing the installation of plumbing in cities and towns and amend the same when deemed necessary in the manner prescribed in section 135.12. Said rules and amendments shall be published in the same manner as other rules of the department.

9. Exercise general supervision over the administration of the housing law and give aid to the local authorities in the enforcement of the same, and it shall institute in the name of the state such legal proceedings as may be necessary in the enforcement of said law.

10. Hear and determine all appeals from the order of any local board made in connection with the enforcement of the housing law, and enforce its orders therein.

11. Establish stations throughout the state for the distribution of antitoxins and vaccines to physicians, druggists, and other persons, at cost. All antitoxin and vaccine thus distributed shall be labeled "Iowa State Department of Health".

12. Exercise general supervision over the administration and enforcement of the venereal disease law, chapter 140.

13. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation.

14. Exercise general supervision over the administration and enforcement of the vital statistics law, chapter 144.

15. Enforce the law relative to the "Practice of Certain Professions Affecting the Public Health", title VIII.

16. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it, including a division of contagious and infectious diseases, a division of venereal diseases, a division of housing, a division of sanitary engineering, a division of vital statistics, and a division of examinations and licenses; but the various services of the department shall be so consolidated as to eliminate unnecessary personnel and make possible the carrying on of the functions of the department under the most economical methods.

17. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

135.12 Plumbing code committee. The code of rules governing the installation of plumbing provided for in section 135.11 may be amended biennially as conditions may require. The necessary amendments shall be determined by a plumbing code committee which shall be appointed by the commissioner of public health on or before July 1, 1925, and every four years thereafter. Such committee shall consist of the engineer who is head of the division of sanitary engineering, the commissioner of health, the housing commissioner, one master plumber, and one journeyman plumber. The engineer member shall be chairman of the committee.

135.13 Powers of committee. The committee shall meet at the call of the chairman, which shall be issued during the month of December of each even-numbered year. It shall continue in session until it has agreed upon the amendments deemed necessary to the existing code governing the installation of plumbing.

135.14 Compensation and expenses. The members of the committee shall receive no compensation for their services, but they shall receive their necessary traveling and hotel expenses in discharging the duties prescribed in section 135.13.

135.15 Plumbing code fund. Cities and towns licensing plumbers shall pay to the treasurer of state one dollar for each license issued and twenty-five cents for each renewal thereof. The fees so received shall be kept by the treasurer of the state in a separate fund to be known as the plumbing code fund. Such fund shall be used in paying the claims arising under section 135.14 and in paying the cost of printing the code of rules governing the installation of plumbing, plumbers' license, and application blanks.

135.16 Mining camps. When the health conditions in any mining camp become a menace to the health of the inhabitants thereof, the department shall require compliance with the provisions of the housing law in so far as the same may be reasonably applicable in such camp.

135.17 Permits for construction of new mining camps. No new mining camp shall be constructed of more than five houses until a written permit is secured from the department. Application for said permit shall be made in writing, accompanied by a plat of the proposed camp showing in detail the location, topography, character of the houses to be built, and the provisions to be made for drainage, sewage, outside toilets, and water supply. Within three weeks from the receipt of such application the department shall inspect the proposed camp and, if satisfied that the same will comply with the general provisions of the housing law as far as reasonably applicable, shall issue the permit requested.

135.18 Pollution of water. The department may upon its own initiative investigate the alleged pollution or corruption of any stream or body of water which is rendering the same unwholesome or unfit for domestic use, or as a public water supply, or which is rendering it deleterious to fish life,

and the department shall make such investigation upon the written petition of:

1. The council of any city or town.
2. Any local board of health.
3. The trustees of any township.
4. Twenty-five residents of the state.

The power vested by this section in the department shall not apply, however, to the lower five thousand feet of any stream flowing into a river at a place where such river forms a part of the boundary line of the state.

135.19 Time and place of hearing. After a full and complete investigation including bacteriological and chemical analysis of the water and location of the source of contamination, the department shall make an order fixing the time and place for a hearing which shall not be less than ten days thereafter. Such hearing shall be public and shall be carried on as far as possible in the same manner as a court hearing and every alleged offender shall have the right to appear by counsel, present testimony, and examine witnesses.

135.20 Notice. Notice of the time and place of hearing shall be served upon each alleged offender at least ten days before said hearing in the manner required for the service of notice of the commencement of an ordinary action in a court of record.

135.21 Order. After such hearing the department may, if it believes the alleged offender is guilty of the charges, enter an order directing such person to desist in the practice found to be the cause of such pollution or corruption, or it may order a change in the method of passing waste materials into the water so that the same will be rendered innocuous and harmless.

135.22 Limitation on expense. No order shall be issued under the provision of section 135.21 that will require the expenditure of more than five thousand dollars without the written approval of a majority of the members of the State Executive Council.

135.23 Reasonable time for compliance. If any such change is ordered, unless such practice is rendering such water dangerous to the public health, a reasonable time shall be granted to the offender in which to put in use the method ordered.

135.24 Record. The department shall keep a complete record of such proceeding, including all the evidence taken, and such record shall be open to public inspection.

135.25 Appeal. An appeal may be taken by the aggrieved party from any order entered in such proceeding to the district court of the county in which the alleged offense was committed. Such appeal shall be perfected by serving a written notice on the commissioner of public health within thirty days of the entry of such order.

135.26 Transcript. Within thirty days after an application for an appeal is filed with the commissioner, he shall make, certify, and file in the office of the clerk of the court in which the appeal is taken, a full and complete transcript of all documents and papers relating to the case.

135.27 Trial term. The first term after the appeal is taken shall be the trial term, and if the appeal is taken during a pending term, it shall be triable during such term at any time after ten days from the date that the transcript is filed by the commissioner. The hearing on appeal shall be tried as a suit in equity and shall be de novo.

135.28 Violation of order. Failure to obey any order made by the department with reference to matters pertaining to the pollution of streams shall constitute contempt. In such event the department may certify to the district court of the county in which such disobedience shall occur, or to the district court of Polk county, the fact of such failure. The district court shall

then proceed to hear and determine the matter and to punish for contempt to the same extent as though such failure were in connection with an order made by the district court which is made punishable by contempt.

135.29 Penalty. Any party found guilty of contempt under section 135.28 shall be fined not to exceed one thousand dollars or be imprisoned for failure to pay such fine. The penalties provided in this section shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of streams, and a conviction under section 135.28 shall not be a bar to prosecution under any other penal statute.

135.30 Adoption of rules. Immediately after the adoption of any rule the department shall forward a certified copy of such rule to the county auditor of each county and to each local board of health. When such rule shall be amended, notice of said amendment shall be given in the same manner.

135.31 Time rules take effect. The rules of the department shall take effect and be in force in the respective counties from and after the date stated in the certified copies of said rules which are forwarded to the county auditors.

135.32 Publication and distribution. The department shall publish from time to time a sufficient number of its rules to supply the needs of the several counties. The county auditor shall annually forward to the department a certified list of the names and addresses of the clerks of all the local boards of health in his county. Upon receipt of said list the department shall forward to the local boards sufficient copies for distribution in each county; and the clerk of the local board shall upon request furnish a copy of said rules to any resident, physician, or citizen.

135.33 Refusal of board to enforce rules. If any local board shall fail to enforce the rules of the state department or carry out its lawful directions, the department may enforce the same within the territorial jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions.

135.34 Expenses for enforcing rules. All expenses incurred by the state department in determining whether its rules are enforced by a local board, and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board.

135.35 Duty of peace officers. All peace officers of the state when called upon by the department shall enforce its rules and execute the lawful orders of the department within their respective jurisdictions.

135.36 Interference with health officers. Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law shall be guilty of a misdemeanor.

135.37 Biennial report. The department shall make a report to the governor in each even-numbered year, at the time provided by law, which shall include all receipts and disbursements for the year, such information and statistics concerning the public health and enforcement of the several laws administered by it, and such instruction upon the subject of hygiene and sanitation as may be thought useful for dissemination among the people, with such suggestions as to legislation as may be deemed advisable.

135.38 Penalty. Any person who knowingly violates any provision of this chapter, or of the rules of the department, or any lawful order, written or oral, of the department or of its officers, or authorized agents, shall be guilty of a misdemeanor. If said rules relate to the practice of cosmetology

or barbering said misdemeanors shall be punished by a fine of not to exceed one hundred dollars or by imprisonment not to exceed thirty days.

135.39 Federal aid. The state department of health is hereby authorized to accept financial aid from the government of the United States for the purpose of assisting in carrying on public health work in the state of Iowa.

STATE BOARD OF HEALTH

136.1 Composition of board. The state board of health shall consist of:

1. The commissioner of public health.
2. The members of the executive council.
3. Five health officers to be appointed by the governor.

136.2 Appointment. The Governor shall appoint after the second but prior to the fourth Tuesday of January, 1919, and every two years thereafter, the five health officers provided for in Section 136.1 who shall serve for a period of two years or until their successors are appointed and qualify. Not more than one of such health officers shall be appointed from any one congressional district.

136.3 Duties. The state board of health shall be an advisory body to the state department of health and shall have the following powers and duties:

1. To consider and study the entire field of legislation and administration concerning public health, hygiene, and sanitation.

2. To advise the department relative to:

a. The causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health.

b. The sanitary conditions in the educational, charitable, correctional, and penal institutions in the state.

c. The public water supplies, sewer systems, sewage treatment plants, and garbage and refuse disposal plants, and the methods of installing and operating the same.

d. Contagious and infectious diseases, quarantine and isolation, venereal diseases, antitoxins and vaccines, housing, and vital statistics.

3. To recommend policies and practices to the department relative to any duty imposed upon it by law, which recommendations shall be given due consideration by the department.

4. To appoint a committee, upon request of the department, to advise with the department relative to any duty imposed upon it by law.

5. To investigate the conduct of the work of the department, and for this purpose it shall have access at any time to all books, papers, documents, and records of the department.

6. To advise or make recommendations to the governor and general assembly relative to public health, hygiene, and sanitation.

7. To adopt rules, not inconsistent with law, for its internal control and management, a copy of which rules shall be filed with the department.

8. To act by committee, or by a majority of the board.

9. To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the department.

136.4 Questions submitted. The department may lay before the board, or any committee thereof, at any regular or special meeting, any matter upon which it desires the advice or opinion of such body or committee.

136.5 Meetings. The board shall meet semiannually, on the second Tuesday in July and January of each year, and at such other times as may be deemed necessary by the commissioner of public health or the governor. The officer calling a special meeting of the board shall give each member ten days' written notice by mail of such meeting. A majority of the members of the board shall constitute a quorum.

136.6 Place. The meetings of the board shall be held at the seat of government unless otherwise ordered by the board. The executive council shall furnish the board with suitable quarters in which to hold its meetings.

136.7 Officers. At the meetings held in July of each year a president and secretary shall be elected from the board, who shall serve for a period of one year. At the request of the board the department shall furnish an executive clerk from the regular employees of the department to record the minutes of the meetings of the board.

136.8 Supplies. The department shall furnish the board of health with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department.

136.9 Compensation and expenses. The members of the board shall receive no compensation as such, but the traveling expenses of the members shall be paid from any funds in the state treasury not otherwise appropriated.

136.10 Publication of proceedings. Upon request of the board the department shall incorporate the proceedings of the board, or any part thereof, in its biennial report to the governor, and the same shall be published as a part of the official report of the department.

COUNTY BOARD OF HEALTH

138.1 Adoption of plan. The county board of supervisors of any county in Iowa may, by their own resolution, or by mutual agreement with any local board or boards of health of their county, adopt the county health unit plan.

138.2 County board of health. When a county health unit plan is adopted, a county board of health shall be appointed by the county board of supervisors to guide and direct all public health activities within such county.

This board of health shall consist of not more than eleven members, three of which shall be members of the local county medical society, and the others, who may include representatives of local boards of health of incorporated cities or towns situated within the county, shall all be appointed by the county board of supervisors. All financial expenditures shall first be approved by the county board of supervisors, by budget or otherwise. The county board of health shall serve as such without pay.

138.3 Organization. The organization of a county health unit plan shall be made only after consultation and after advising with the state commissioner of health or his agent, who is hereby charged with the duty of the investigation of all activities in public health in operation within the county at the time and with the further duty of advising the county board of health and the county board of supervisors toward the correlation and co-ordination of all public health activities under the county health unit plan. The state board of health shall adopt rules of procedure for the organization of county boards of health, as such, and shall also specify their duties.

138.4 Expenses. The expense incurred by the county health unit shall be paid by the county board of supervisors upon their own motion from county funds legally available. Other organizations, including local boards or boards of health, may unite with the county board of supervisors in defraying the necessary expenses of such county health unit.

CITIES AND TOWNS OTHER THAN SPECIAL CHARTER CITIES—GENERAL POWERS

(Note: Only those sections involving the public health are cited below. For complete references to such title see chapter 368 of the 1946 Code of Iowa.)

368.2 Nuisances—action to abate. They shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthful; to

cause any nuisance to be abated, and to provide for the assessment of the cost thereof to the property. They may prohibit any public or private nuisance, and may maintain actions in equity to restrain and abate any nuisance.

368.9 Sanitary districts. Sanitary districts for the collection and disposal of garbage and other such waste material as may become dangerous to the public health or detrimental to the best interests of the community, and to adopt rules necessary for the administration thereof.

368.44 Plumbing—inspector. They shall have power by ordinance to prescribe rules and regulations for all plumbing connecting any building with sewers, cesspools, vaults, water mains, and gas pipes; and may prescribe the kind and size of materials to be used in such plumbing, and the manner in which the same shall be done; and to appoint an inspector thereof, and define his duties and powers; and to provide for the assessment of the cost of such inspection and replacing of the pavement to the property; and to prescribe penalties for the violation of such ordinance. Nothing herein shall be construed as authorizing the annulment of any rules or regulations relating to such plumbing made by the local or state board of health, but such ordinance shall conform to and enforce the same.

1. In an action to enforce a penalty under an ordinance requiring the testing of plumbing placed in a building for future as well as immediate use, held that the penalty was not enforceable where there were no sewers or water mains upon the street available for connection.

Des Moines vs. Cutler, 144-535; 123 NW 218.

2. A municipality has the right to compel the officers of an Iowa fair to connect with the sewer and install plumbing fixtures.

"It is the opinion of this department that officials of the county, including the officials of agricultural societies which shall organize as county institutions, must observe the law and may not legally violate or disregard with impunity the health ordinances or regulations of either the State Board of Health or the local board of health."

Opinion Atty. Gen., July 30, 1925.

3. Plumbing ordinance is subject to rules of state and local boards of health and must conform thereto.

"We are of the opinion that where there is anything inconsistent between the provisions of the ordinance and the rules and regulations of either board of health (state or local), the ordinance must yield to said rules and regulations. Therefore, it becomes the duty of the city council to amend the ordinance as often as necessary to make it conform to the rules and regulations adopted by either board of health."

Opinion Atty. Gen., July 19, 1926.

368.47 Examiners. In such cities the council shall appoint a board of examiners consisting of three members, one of whom shall be a practical journeyman plumber, one a member of the local board of health, and one a practical master plumber, two of whom shall constitute a quorum for the transaction of business.

368.54 Action by local board of health. The board of health of any city or town, whenever it deems it necessary that any outside water-closet, privy, or privy vault be abandoned and removed where there is a sanitary sewer in the street or alley or where a sanitary sewer may hereafter be placed in a street or alley abutting upon property which an outside water-closet, privy, or privy vault is located, may order that said outside water-closet, privy, or privy vault be abandoned and removed and that a sanitary toilet and toilet facilities be installed and connected with the sanitary sewer.

CITIES UNDER SPECIAL CHARTER

BOARD OF HEALTH

420.168 Appointment. There shall be appointed in every such city a local board of health consisting of five members, a majority of whom, including the mayor, shall be members of the city council. The mayor of the city shall be ex officio one of said members and the chairman thereof. The man-

ner of appointment and duration of office of said board shall be determined by ordinance of said city.

420.169 Officers appointed—quorum. The board of health shall appoint a physician to the board, who shall hold office during the pleasure of the board. The city clerk or recorder shall be clerk of the board, unless some other clerk may be provided by ordinance. The board of health shall appoint, with the consent of the counsel, all officers and agents necessary to carry their rules and orders into effect, and shall recommend the compensation or salaries to be paid such officers or agents, which shall be determined by the council. In cases of emergency, the board of health may employ persons to aid in the execution of its orders, and fix the compensation of such employees. The majority of the members of the board shall constitute a quorum for the transaction of all business and exercise of powers conferred upon the board.

There is nothing in the statutes prohibiting a member of the city council from being employed by the local board of health at an agreed compensation to treat cases of contagious diseases.

. Dewit v. Mills Co., 126-169; 101 NW 766.

420.170 Physician and clerk. It shall be the duty of such clerk and physician to report at least once a year to the department of health the proceedings of such board, and such other facts as may be required, on blanks in accordance with instruction received from the said department. They shall also make special reports whenever required so to do by the said department.

420.171 General powers. The local board of health shall make such rules and regulations and orders respecting the connection of buildings and tenements with sewers, and the approval of plans for plumbing and the inspection thereof; and the inspection of milk, provisions, and of all food products sold within such city, and the condemnation and destruction of the same when impure or diseased; the collection and disposition of garbage; the condemnation of impure wells and cisterns; the prompt report of contagious or infectious diseases; nuisances, sources of filth, and cases of sickness within its jurisdiction, and on all boats in its ports and harbors, or railroad cars passing through such city; and for the prevention of nuisances and the preservation of the public health, as said board may judge necessary for the public health and safety; and shall, from time to time, report to the city council ordinances for carrying such rules, regulations, and provisions into effect, and for the appointment of the proper inspectors and officers necessary to enforce the same.

420.172 Violation of regulations. Such cities shall have power and may provide by ordinance for the punishment by fine and imprisonment of any person who shall knowingly violate or fail to comply with any rule, regulation, or order of such local board of health, but the fine shall not exceed one hundred dollars, nor the imprisonment thirty days. The prosecution for the violation of any rule, regulation, or order of such board of health shall be in the name of the city appointing such board and shall be conducted in the same manner and before the same tribunals as other prosecutions for the violation of ordinances of such city.

420.173 Sewer connections. The board of health shall have power to compel all property owners owning property situated on streets along which sewers have been constructed, or within two hundred fifty feet of any sewer, to make proper connections therewith, and to use the same for proper purposes; and in case such owner shall fail to make such connections within the time fixed by such board, they may cause such connections to be made and report the cost of expense thereof to the city council, which shall assess the same against the property so connected, and such assessment shall be a lien on said property which the city council can enforce by the sale of same.

420.174 Plumbing. Such board shall have power to prescribe rules and regulations for all plumbing connections of buildings or tenements with any

sewer, and for all plumbing, drainage, and ventilation of any building or tenement, and may prescribe the kind and size of materials to be used in any plumbing, drainage, and ventilation of buildings, and the manner in which plumbing shall be done, and compel the plans and specifications for the plumbing of any building to be submitted to and approved by said board before the same is installed, and that such work be done by a competent licensed plumber, and provide for the inspection of the work done under such plans and specifications, and have the power to appoint, with the approval of the city council, an inspector of such plumbing, and define his duties and powers.

420.175 Nuisances. Such board may order the owner or occupant of any property, place, or building at his own expense to remove or abate any nuisance, source of filth, or cause of sickness, to dispose of garbage, to destroy diseased or impure milk, provisions, or food products, to purify, fill up or cease from using any impure well or cistern, to report to the proper officer all contagious or infectious diseases found on his property or property over which he has control, to make sewer connections, and to do such acts as may be required. The board may in its discretion specify in its notice the time and manner of compliance with such order, and if such person neglect to comply with such order he may be punished in accordance with the provisions hereof, and the board may do or cause to be done whatever is required by the order.

420.176 Abatement. Whenever the owner, occupant, or person having the control or management of such property shall not be found in the city, or whenever the board may deem immediate action necessary, it may, without notice to such owner or occupant or person having the control or management of the same, immediately proceed to remove said nuisance, source of filth, or other cause of sickness, and the expense thereof shall be reported to the council and levied and assessed against the property, place, or building, and collected as a special tax, and shall be a lien upon such property, place, and building, or the same may be enforced in any court having jurisdiction, by the proper officer, in the name of the city.

420.177 Enjoining. Whenever any person or persons are engaged in a work, or doing things, or threatening to do things, which, in the opinion of the board, will result in a nuisance or endanger the public health, the board may forbid the doing or continuance thereof, and in case any such person shall fail to comply with any such order, after personal service of notice thereof, he may be proceeded against and punished under the provisions hereof.

420.178 Health regulations. Whenever any such board shall make or adopt any general rules and regulations for the public health, they shall be signed by the mayor or other presiding officer and attested by the clerk of such board, and, when so signed and attested, shall be published twice in the official newspaper of such city. When such publication is completed, due proof thereof by affidavit shall be attached to said rules and regulations, and the same shall then be recorded by the clerk of such board in a book kept for such purpose, which record shall be certified to by the mayor or presiding officer and attested by the clerk; such general rules and regulations shall be in force and effect from and after the completion of such record.

420.179 Notices. Any notice from the board may be served by any city officer, or by any other person whom the board of health may appoint or designate.

420.180 Premises unfit for habitation. The board, when satisfied upon due examination that any cellar, room, tenement, or building in said city, occupied as a dwelling house, has become, by reason of the number of inhabitants or want of cleanliness or other cause, unfit for such habitation, and a cause of nuisance or sickness to the occupants thereof or to the public,

may issue a notice to the occupants thereof or any of them, requiring the premises to be put into a proper condition as to cleanliness or health, or may require the occupants to remove from the premises, within such time as the board deems reasonable. If the persons so notified neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleaned at the expense of the owners or property, or the board may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling place until put in a sanitary condition to the satisfaction of the board.

420.181 Contagious diseases. Whenever by reason of the prevalence of smallpox, or other contagious infectious disease, in any such city or the vicinity thereof, the board may deem it dangerous to permit the congregation together of people, the board may, with the consent of the council, by public proclamation published once in some newspaper of general circulation in the city, prohibit the congregation of people in schools, churches, theatres, and in all other buildings in said city, and it shall thereupon become the duty of the principals, teachers, and other persons in charge of such places or buildings specified in said publication to keep the same closed and to prevent the congregation of people therein; and when smallpox is prevalent in said city or its vicinity, the said board of health may, with the consent of the council, by notice served upon the teachers or persons in charge of any of the public or private schools, prohibit the admission therein of any pupil until such pupil shall have proved, to the satisfaction of the board or the persons selected by it for that purpose, that such pupils have been vaccinated within five years prior thereto, or within such time as the board may designate; and said board may in like manner prevent the admission of persons not furnishing satisfactory proof of vaccination into churches, theatres, or other buildings, by notifying the person in charge thereof not to admit such persons.

The appellate court will be slow to interfere with an order by the trial court refusing a temporary injunction against the enforcement by a school board of its order which temporarily excludes unvaccinated pupils from the public school; and especially will the appellate court decline to disturb such refusal when it affirmatively appears that the order of the board has expired *ex vi termini*.

Baehne vs. Ind. Sch. Dist., 201-625; 207 NW 755.

420.182 Warrant. Whenever the board of health shall think it necessary for the preservation of the lives or the health of the inhabitants to enter a place, building, or vessel within its jurisdiction, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, before any justice of the peace, or other judicial officer having jurisdiction to enforce the ordinances of such city, stating the facts of the case so far as he has knowledge thereof. Such officer shall thereupon issue a warrant, directed to the sheriff or any constable of the county, marshal or public officer, commanding him to take sufficient aid and, being accompanied by two or more members of said board, between the hours of sunrise and sunset, repair to the place where such nuisance, source of filth, or cause of sickness may be, and destroy, remove, or prevent the same under the direction of such members of the board.

420.183 Removal of diseased person. When any person coming from abroad or residing within such city shall be infected, or lately shall have been infected, with smallpox or other sickness dangerous to the public health, the board shall make provisions in the manner by it deemed best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without injury to his health, and by providing nurses and other assistance and supplies, which shall be charged to the person himself, his parents, or other person liable for his support, if able, otherwise to the county.

420.184 Care of such person. If any afflicted person can not be removed without danger to his health, the board shall make provision for him, as

directed in section 420.183, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and take other means as may be deemed necessary for the safety of the inhabitants.

420.185 Warrant. Any justice of the peace, or tribunal having jurisdiction to enforce the ordinances of such city, on application under oath, showing cause therefor, by any member of said board, shall issue his warrant, directed to the sheriff or constable of the county or marshal or police officer, commanding him, under the directions of the board, to remove any person infected with contagious disease, or to take possession of condemned houses and lodgings, and to provide nurses and attendants and other necessities for the care, safety, and relief of the sick.

420.186 Meetings—report. Every such board shall meet for the transaction of business at least once each month, and at such other times as occasion may require, and the clerk of the board shall transmit his annual report to the department of health within two weeks after the October meeting, and at such other times as may be required by the said department. Such report shall embrace a history of any epidemic disease which may have prevailed within the city. The failure of the clerk to make such report shall be considered a misdemeanor, for which he shall be subject to a fine of not more than twenty-five dollars.

420.187 Powers—assessment of expenses. The foregoing provisions in regard to boards of health shall not in any manner limit the powers of cities acting under special charters in relation to matters affecting the public health, and the city councils of such cities shall provide by ordinance for the manner of the exercise of the powers herein conferred upon such boards, and for the enforcement of the orders, rules, and regulations thereof, and punishment for the violation of the same, as prescribed in this chapter, and shall also have power to provide and shall provide for the assessment of all expenses incurred by said board and by said cities, in consequence of the failure or neglect of any owner or occupant of property to comply with any order of such board, upon the real estate upon which such expenditures are made or expenses incurred, and it shall be a lien thereon from the time said work is done, and may be assessed, levied and collected as other special assessments, and may be collected and the lien enforced by civil action in any court of competent jurisdiction.

420.188 Proceedings reported. Boards of health shall report their doings and proceedings to the council from time to time as required by ordinance or resolution, and the council shall have supervision over the orders and proceedings of said board.

420.189 Construction of powers. The provisions of this chapter in regard to the police powers, sanitary regulations, and regulations for the prevention and spread of fires and of contagious diseases, shall not be construed as a limitation of the general powers of such cities.

TOWNSHIPS AND TOWNSHIP OFFICERS

(Note: Only the section involving the duties of the township trustees as a local board of health is cited below. For complete reference to such title, see chapter 359 of the 1946 Code of Iowa.)

359.17 Trustees—duties—meetings. The board of trustees in each township shall consist of three qualified electors of the township. The trustees shall act as overseers of the poor, fence viewers, and shall constitute the township board of equalization. The board of trustees shall meet on the first Monday in February, April and November in each year.

HEALTH OFFICER—METHOD OF APPOINTMENT

363.13 In cities and towns. The officers to be appointed by the mayor shall be: A health physician.

416.52 In cities by commission. The council shall, at the first regular meeting after election, or as soon as practical thereafter, elect by majority vote the following city officers: Health physician.

LOCAL BOARD OF HEALTH

137.1. Organization. The local board of health shall consist: (1) in cities and towns, of the mayor, health physician and members of the city or town council. (2) In counties of the chairman of the board of supervisors, the county auditor, and county superintendent of schools, having jurisdiction outside of territorial limits of cities and towns; provided however, the township trustees in any township may organize as a local board of health for such township.

137.2. Chairman, Duties. In cities and towns the mayor shall be chairman of the local board and when said board is not in session, he shall as mayor and chairman of said board, enforce the statutes of the state relative to public health and the rules of the state department of health and the local board. In counties, the members of the board of health shall elect one of their number as chairman and in townships, the trustees shall elect one of their number as chairman who shall have the same duties as the chairman of the local board in cities and towns.

137.3. Clerk, Duties. The town, city or township clerk or the county auditor as the case may be, shall be clerk of the local board, keep its records and perform such other duties as may be prescribed by the local board.

137.4 Health officer. Each local board shall have a health officer who shall be a physician, or one specially trained in public hygiene and sanitation. In cities and towns the health physician shall be such health officer. In every other case the local board shall appoint said health officer who shall hold office during its pleasure.

137.5 Sanitation and quarantine officer. Upon request of the local board, the mayor in every city or town shall appoint a permanent sanitation and quarantine officer who shall be subject to the orders and directions of the local board and its health officers in the execution of health and quarantine regulations.

137.6 Meetings. The local board shall meet for the transaction of business on the first Monday of April and November in each year and at such other times as it may deem necessary.

137.7 Duties. The duties of the local board shall be to:

1. Obey and enforce the rules and lawful orders of the state department.
2. Furnish the state department at the times and in the manner prescribed by the department, reports of its proceedings.
3. Establish, maintain, and terminate quarantines in all cases of quarantinable diseases as may be required by law or by the rules of the state department.
4. Make such rules, not inconsistent with law or the rules of the state department, as may be necessary for the enforcement of the various laws, the administration of which is imposed upon the local board.
5. Have, subject to the rules of the state department, charge of the burial or disposal of the dead, and of all cemeteries dedicated to public use not legally controlled by other trustees or persons.
6. Regulate all fees and charges of persons, employed by it in the execution of health laws, its own rules, and those of the state department.

1. Beyond the boundaries of the city the board of health of the city has no power or authority.

Warner vs. Stebbins, 111-86; 82 NW 457.

2. Where certain land purchased for cemetery purposes was found to be unsuitable, and the township trustees proposed to sell the same on condition that it should never be used

for cemetery purposes, held, that it was within their discretion as a board of health to impose the restriction as to the use of the land.

Bushnel vs. Whitlock, 77-285; 42 NW 186.

3. The fees of a physician employed by the board of health are to be fixed by the board and the action of such board is binding on the county in cases where such fees become payable by the county.

Tweedy vs. Fremont Co., 99-721; 68 NW 921.

4. State Department of Health has authority to reverse or modify a decision of local board of health if conditions so warrant, and the power to enforce these modifications within territorial jurisdiction of local department, if said department fails to carry them out.

Opinion Atty. Gen., December 15, 1934.

137.8. Publication of rules. All rules adopted by the local board shall take effect after publication in some newspaper of general circulation in the city, town, county or township in which said board has jurisdiction, or after posting a copy of same in five public places therein.

137.9 General duties. The health officer shall:

1. Be the executive officer of the local board in all matters pertaining to the public health, the control of communicable diseases, disposal of refuse and night soil, and the pollution of wells and other sources of water supply.

2. Recommend to the local board the proper measures to be taken for the abatement of unhealthful conditions and for the preservation of the public health.

3. Receive reports of cases of reportable diseases, impose and terminate quarantine.

4. Keep a record of cases reported to him (name, age, sex, address, birth-place, occupation, school or place of employment of the person reported to be ill, the name of the person making the report, the date of receipt by him of the report, the date of transmission of the report to the state department of health, the date of quarantine, the date of release from quarantine, the termination of the case and source of infection if known) in a book kept for the purpose.

5. Forward reports of cases to the state department of health in accordance with its rules and regulations.

137.10 Special duties. At least twice each year, and oftener if necessary, the health officer shall personally inspect, or cause to be inspected, the schools, public buildings, and public utilities within the jurisdiction of the local board, and he shall recommend to the local board the necessary measures to be taken by it for the maintenance of such schools, public buildings, and public utilities in a sanitary condition. In case of sickness where no physician is in attendance, the health officer shall investigate the character of such sickness and report his findings to the local board.

137.11 Additional duties. In addition to his statutory duties the health officer shall perform such other duties as the local board may assign to him.

137.12 Right to enter premises. The local board, health officer, or sanitation officer, may enter any building, vessel, or other place for the purpose of examining into, preventing, or removing any nuisance, source of filth, or cause of sickness.

137.13 Abatement of nuisance. The local board may order the owner, occupant, or person in charge of any property, building, or other place, to remove at his own expense any nuisance, source of filth, or cause of sickness found thereon, by serving on said person a written notice, stating some reasonable time within which such removal shall be made, and if such person fails to comply with said order, the local board may cause the same to be executed at the expense of the owner or occupant.

1. Exclusive jurisdiction to determine what constitutes a nuisance and to abate nuisances is not conferred upon the local board of health.

Baker vs. Bohannan, 69-60; 28 NW 435.

2. The action of the board of health finding a structure to be a nuisance does not necessarily entitle a private party claiming to be injured thereby to maintain a proceeding for the abatement thereof.

Kallsen vs. Wilson, 80-229; 45 NW 765.

3. The law invests township trustees with a discretion as to what is deleterious to public health and the power to cause its abatement.

Bushnel vs. Whitlock, 77-285; 42 NW 186.

4. The city is not responsible to individuals for the neglect or non-feasance of its agents or officers in executing the powers here conferred.

Ogg vs. Lansing, 85-495.

137.14 Closing of premises. In such cases the local board may order the occupants of said place to move therefrom and fix some reasonable time for compliance therewith. If the order is not complied with, said board may forcibly remove the occupants and close the premises; and said place shall not be again occupied as a dwelling or place of business without the written permission of the local board.

137.15 Refusal of admittance. In case any member of the local board, the health officer, or the sanitation officer, in proceeding under the authority of sections 137.12 to 137.14, inclusive, shall be refused entry to any place, complaint may be made under oath to any magistrate of the county, whether a member of the local board or not, and said magistrate shall thereupon issue his warrant, directed to some peace officer of the county, commanding him between the hours of sunrise and sunset, accompanied by two or more members of said board, the health officer, or the sanitation officer, to prevent, remove, or destroy any nuisance, source of filth, or cause of sickness, found to exist in said place, which order shall be executed by said officer under the direction of the members of the local board, the health officer, or the sanitation officer.

137.16 Costs for abating nuisances. All expenses incurred by the local board in proceeding under sections 137.12 to 137.15, inclusive, may be recovered by suit in the name of the local board, or said board may certify the amount of said expense, together with a description of the property, to the county auditor who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

137.17 Peace officers to enforce. Peace officers, when called upon by the local board, shall enforce its rules and execute the lawful orders of said board.

137.18 Interference with officers. No person shall interfere with the local board, or its officers, or authorized agents, in the discharge of any duty imposed by law, or the rules of the state department or the local board.

137.19 Penalty. Any person who knowingly violates any provisions of this chapter, or of the rules of the local board, or any lawful order, written or oral, of said board, or of its officers or authorized agents, shall be guilty of a misdemeanor.

CONTAGIOUS AND INFECTIOUS DISEASES

139.1 Definitions. For the purpose of this chapter:

1. "Communicable disease" shall mean any infectious or contagious disease.

2. "Placard disease" shall mean whooping cough, measles, mumps, chicken-pox, or any other disease designated as a placard disease by the state department.

3. "Quarantinable disease" shall mean scarlet fever (including scarlet rash

and scarlatina), smallpox, diphtheria (including membranous croup), cholera, leprosy, cerebro-spinal meningitis, anterior poliomyelitis, Spanish influenza, bubonic plague, or any other disease designated as quarantinable by the state department.

4. "Quarantine" shall mean the complete detention of a person within his own residence or temporary place of abode and the exclusion of the public from said place for the purpose of safeguarding the public from a communicable disease.

5. "Isolation" shall mean the separation of persons or animals presumably or actually affected with disease, or are disease carriers, or have been exposed to communicable disease, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

139.2 Warning signs and reports. The form of quarantine, temporary quarantine, and warning signs shall be prescribed by the rules of the state department, and the forms for all reports required by this chapter shall be likewise prescribed.

139.3 Quarantinable and placard diseases. The physician attending any person infected with a quarantinable disease or placard disease shall immediately report the same orally to the local board or to one of its officers and at once follow said report with a written report. The local board or officer thus informed shall report the same immediately to the post office where the quarantined family receives or dispatches mail. Such reports shall be made in accordance with the rules of the state department and the local board. In case there is no attending physician, the parents, guardian, school teacher, or the householder of the premises wherein such disease exists shall report the same.

139.4 Report to department. All quarantinable and placard diseases shall be reported by the local board to the state department as prescribed by the rules of the department.

139.5 Communicable diseases. In case any person shall be infected with any communicable disease, dangerous to the public health, whether a resident or otherwise, the local board shall make such orders in regard to the care of said person as are necessary to protect the public health, and said orders shall be executed by the mayor, township clerk, health officer, or sanitation officer as the local board may direct or provide by its rules.

139.6 Quarantine. A quarantine shall be established in every case of a quarantinable disease, and in such cases the infected person may be removed and isolated in a separate house or hospital for detention and treatment. All quarantines and isolations ordered under the authority of this section shall be executed in accordance with the rules of both the state department and the local board.

The members of such board are not individually liable for loss sustained by an individual on account of the establishment of a quarantine.

Kirby vs. Harker, 143-478; 121 NW 1071.

139.7 Placard diseases. A quarantine shall not be established in case of a placard disease, but a warning sign shall be posted which shall serve merely as a warning to the public.

139.8 Warning signs. All quarantinable and placard diseases shall, as soon as possible, be definitely diagnosed and the proper warning placed in a conspicuous place on the house, dwelling, or place in which the quarantinable or placard disease exists.

Counties are liable for all of the expenses incurred in carrying out the provisions in chapter 108, Code of 1927, which pertains to communicable diseases, placard and quarantinable diseases, quarantine and isolation cases.

"We are of the opinion that it was the intention of the legislature that all of the expenses incurred in carrying out the provision of chapter 108 were to be paid by the

county. There is no good reason why the expenses incurred in connection with placard diseases should not be paid by the county as well as those in connection with quarantinable diseases, quarantine and isolation."

Opinion Atty. Gen., March 24, 1928.

139.9 Temporary quarantine. When the type of the disease cannot be immediately determined or diagnosed, a temporary quarantine shall be established and all the requirements of quarantine shall be observed, but such temporary quarantine shall terminate within forty-eight hours after being established.

139.10 Instructions to persons. Every official, when establishing a quarantine or removing an infected person for the purpose of isolation, shall furnish to said person printed instructions relative to the duties and restrictions imposed upon him by law and by the rules of the state department and local board.

139.11 Temporary isolation hospitals. When no detention hospital has been established by the county, the local board shall provide a suitable place, when necessary, for the isolation of persons infected with communicable diseases dangerous to the public health, and the expense incident thereto shall be paid by the county in the same manner as other expenses incurred under the provisions of this chapter.

139.12 Forcible removal. The forcible removal and isolation of any infected person shall be accomplished by an application to any civil magistrate in the manner provided in section 137.15 for the removal and abatement of nuisances; and such magistrate shall issue the warrant, as directed in such cases, to remove such person to the place designated by the local board, and to take possession of the infected house, lodging room, premises, or effects until the same have been properly fumigated or disinfected.

139.13 Fees for removing. The officers designated by the magistrate shall be entitled to receive for their services such reasonable compensation as shall be determined by the local board. The amount so determined shall be certified and paid in the same manner as other expenses incurred under the provisions of this chapter.

139.14 Removal to another jurisdiction. No person known to be infected with any communicable disease dangerous to the public health shall move or be removed from the jurisdiction of one local board to the jurisdiction of another local board without the written permission of the local board from whose jurisdiction the infected person is to be removed, and if the removal is to another county, then the written permission of the local board into whose jurisdiction the infected person is to be removed shall also be secured.

139.15 Removal to residence. When the infected person resides not more than fifteen miles from the place at which it is determined that he is infected with a communicable disease dangerous to the public health and said person requests that he be removed to his place of residence, the local board shall grant permission for his immediate removal, unless in its judgment such removal would involve great danger to the infected person or to the public health.

139.16 Method of removal. All removals of infected persons as provided in sections 139.14 and 139.15 shall be by private conveyance along the least frequented highways, under escort of the health officer or sanitation officer, and as thoroughly isolated as possible.

139.17 Payment of expenses. All expenses of removal under section 139.16 shall be paid by the county in which the infected person has a legal settlement and all bills for said expenses shall be presented, allowed, and paid in the same manner as bills for quarantine and isolation.

139.18 Detention hospitals. The local board of the city or town which is

allowed to maintain a detention hospital for patients infected with communicable diseases, outside the limits of said municipality, shall have exclusive jurisdiction and control of such detention hospitals and grounds for the enforcement of all sanitary and health regulations.

139.19 Location of detention hospitals. All controversies arising between local authorities respecting the location of detention hospitals and grounds for the treatment of communicable diseases, shall be referred to the state department, which shall give two days' notice to the parties interested, and after investigating the matter make such order as the facts warrant, which action shall be final.

139.20. Termination of quarantine. In the absence of the health officer, the quarantine or isolation authorized by this chapter may be terminated by the county auditor, mayor, the township clerk or other officer acting under the directions of the health officer.

139.21 Disinfection. In case of death from or the termination of any quarantinable disease, the person who was infected and the place of quarantine or isolation, with all persons, furniture, bedding, clothing, and all other articles contained therein, shall be disinfected in accordance with the rules of the state department and under the direction of the local board, which shall require the attending physician to superintend or perform the work. In case there be no attending physician, or in case the attending physician refuses to perform this duty, then the local board shall employ some other suitable person to perform such work.

139.22 Disinfection from other diseases. The undertaker or person in charge of the funeral of any person dying from any communicable disease which is not quarantinable shall within forty-eight hours after the death of such person report to one of the officers of the local board the name and residence of the deceased person, together with the cause of death. Upon receipt of said notice the officer receiving the same shall cause said premises to be disinfected in accordance with the rules of the state department.

139.23 Medical attendance and supplies. In case any person under quarantine or the persons liable for the support of such person shall, in the opinion of the local board, be financially unable to secure the proper care, provisions, or medical attendance the local board shall furnish such supplies and services during the period of quarantine and may delegate such duty by its rules to one of its officers or to the health officer.

It is the imperative duty of the local board of health to provide for a sick person, regardless of his settlement.

Clinton vs. Clinton Co., 61-205; 16 NW 766.

139.24 County liability for supplies. The local board shall provide the proper care, provisions and medical attendance for every person removed and isolated in a separate house or hospital for detention and treatment, and the same shall be paid for by the county in which the infected person has a legal settlement if patient or legal guardian is unable to pay same.

1. A physician seeking to enforce a claim for such services against a county must show that the persons to whom such services were rendered are unable to pay the expense thereof.

Walker vs. Boone Co., 123-5; 97 NW 1077.

2. For all such expenses which the sick person or those liable for his support are unable to pay the county is ultimately liable.

Clinton vs. Clinton Co., 61-205; 16 NW 87.

139.25 Rights of isolated persons. Any person removed and isolated in a separate house or hospital may employ, at his own expense, the physician or nurse of his choice, and may provide such supplies and commodities as he may require.

139.26 Supplies and services. All services and supplies furnished to indi-

viduals or families under the provisions of this chapter must be authorized by the local board or by one of its officers acting under the rules of said board, and a written order therefor designating the person or persons employed to furnish such services or supplies, issued before said services or supplies were actually furnished, shall be attached to the bill when the same is presented for audit and payment.

1. The board will not be bound by the action of the individual members in authorizing a physician to render services. Such action must be by the board as a body.

Young vs. Black Hawk Co., 66-460; 23 NW 923.

2. Failure of the physician to obtain the authorizing order here required and to attach the same to his claim, at or before presenting it for audit, is a fatal and irremediable defect.

Lacy vs. Monona Co., 184-1324; 169 NW 760.

3. Where the services have in fact been rendered and plaintiff's bill therefor has been approved by the local board, such action constitutes a ratification and obviates the objection that there was no formal employment prior to the rendering of the services.

Hoskins vs. Woodbury Co., 146-165; 124 NW 894.

Sawyer vs. Wapello Co., 152-749; 133 NW 104.

139.27 Filing of bills. All bills incurred in carrying out the provisions of this chapter in establishing, maintaining, and terminating quarantine and isolation, in providing a necessary house or hospital for isolation, and in making disinfections, shall be filed with the clerk of the local board. Said board at its next regular meeting or special meeting called for the purpose shall examine and audit the same and, if found correct, approve and certify the same to the county board of supervisors for payment.

1. The local board of health is directed to allow such amount as is reasonable, and the certificate of the board is made prima facie evidence of the correctness of the bills.

Hoskins vs. Woodbury Co., 146-165; 124 NW 894.

Sawyer vs. Wapello Co., 152-749; 133 NW 104.

See Resner vs. Carroll Co., 126-423; 102 NW 148.

2. The county is liable for the expense of disinfecting a building in which contagious disease has existed, irrespective of the question of quarantine.

Sawyer vs. Wapello Co., 152-749; 133 NW 104.

See Schmidt vs. Muscatine Co., 120-267; 94 NW 479.

3. The liability of the county can be established only by showing that the facts exist which are contemplated by the statute as rendering the county liable, and the burden of proving these facts is therefore upon the party seeking to establish such liability.

Gill vs. Appanoose Co., 68-20; 25 NW 908.

139.28 Allowing claims. All bills for supplies furnished and services rendered for persons removed and isolated in a separate house or hospital, or for persons financially unable to provide their own sustenance and care during quarantine, shall be allowed and paid for only on a basis of the local market price for such provisions, services, and supplies in the locality in which the same shall have been furnished. No bill for disinfecting premises or effects shall be allowed unless it shall be found that the infected person or those liable for his support are financially unable to pay the same.

139.29 Approval and payment of claims. The board of supervisors shall not be bound by the action of the local board in approving such bills, but shall allow the same from the poor fund for a reasonable amount and within a reasonable time.

139.30 Reimbursement from county. If any person receives services or supplies under this chapter who does not have a legal settlement in the county in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said person claims settlement or owns property and the board of supervisors of such county shall reimburse the county from which such claim is certified, in the full amount originally paid by it.

This section does not enlarge the territorial limits of the jurisdiction of the city board

of health, nor authorize a transfer of patients having contagious diseases to the jurisdiction of the board of health of an adjoining township.

Warner vs. Stebbins, 111-86; 82 NW 457.

139.31 Exposing to contagious disease. Any person who knowingly exposes another to infection from any communicable disease, or knowingly subjects another to the danger of contracting such disease from a child or other irresponsible person, shall be liable for all damages resulting therefrom, and be punished as provided in this chapter.

139.32 Penalty. Any person who knowingly violates any provisions of this chapter, or of the rules of the state department or the local board, or any lawful order, written or oral, of said department or board, or of their officers or authorized agents, shall be guilty of a misdemeanor.

VENEREAL DISEASES

140.1 Venereal disease defined. For the purposes of this chapter "venereal disease" shall mean syphilis, gonorrhea, or chancroid..

140.2 Reports. Immediately after the first examination or treatment of any person infected with any venereal disease, the physician giving the same shall mail to the state department of health a report stating the case number, age, sex, color, marital condition, occupation, name of the disease, probable source of infection, and duration of the disease, except when the case occurs in a jurisdiction of a full-time municipal or county health officer, in which instance such report shall be sent direct to such officer who shall immediately forward same to the state department of health. It shall be the duty of the state department of health to report the number of the case and the name of the venereal disease reported as occurring in its jurisdiction, to each local board of health each month.

140.3 Blood tests for pregnant women. Every physician attending a pregnant woman in this state during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman within fourteen days of the first examination, and submit such sample for standard serological tests for syphilis to the state bacteriological laboratory of the state university of Iowa at Iowa City or such other laboratories cooperating with and approved by the state department of health. Every other person permitted by law to attend upon pregnant women in the state but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician and submitted for standard serological tests for syphilis to the state bacteriological laboratory of the state university of Iowa at Iowa City or such other laboratories cooperating with and approved by the state department of health. Such laboratory tests as are required by this section shall be made on request without charge by the state department of health. If such person reacts positively to such test, then the husband and father, other children by the same mother, or person responsible for pregnancy shall be subjected to same blood test as herein provided. The result of all laboratory tests shall be reported on standard forms prescribed by the commissioner of public health.

140.4 Reporting on birth certificate. In reporting every birth and stillbirth, physicians and others permitted to attend pregnancy cases and required to report births and stillbirths shall state on the birth certificate or stillbirth certificate, as the case may be, whether a blood test for syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed, and if made, the date when such test was made, and if not made the reason why such test was not made. In no event shall the birth certificate state the result of the test.

140.5 Information. Every physician who examines or treats a person infected with any venereal disease shall give said person at the time of the first examination or treatment a circular of information concerning venereal disease and a copy of the provisions of this chapter, and he shall include in the report required by section 140.2 a statement that the requirements of this section have been complied with.

140.6 Former physician. When a person applies for treatment of any venereal disease, the physician shall ascertain whether such person has previously consulted or employed some other physician for the same purpose, and if so, to immediately notify the physician last consulted or employed that the infected person is now under his care and treatment.

140.7 False information. Any person infected with a venereal disease who shall refuse to give or who falsely gives to a physician any information concerning prior treatment for the same, or relative to the name and address of the physician last consulted or employed, shall be punished as provided in this chapter.

140.8 Conditions. After a person infected with any venereal disease has consulted or employed a physician and fails to report to said physician for treatment during a period of ten days, the physician shall report the name and address of said person to the state department of health unless he shall receive during said period of time a report from some other physician that the infected person is now under his care and treatment. It shall be the duty of the state department of health when such reports are received to report the name of the infected person to the local board of health of the jurisdiction wherein he resides.

140.9 Circulars of information. All reports to the local board or by one physician to another concerning persons infected with venereal disease shall be made upon forms to be prescribed by the state department of health, and all circulars of information, copies of the venereal disease law, and forms for reports, which are required to be used or distributed by this chapter, shall be supplied by the department to the proper persons.

140.10 Power of local board. When a local board of health has been officially notified by the state department of health, as provided in section 140.8, that any person infected with any venereal disease is not under the care and treatment of a physician or has not reported to said physician for a period of ten days, or is not taking recognized precautionary measures to prevent the infection of others, said board shall take such measures as it is authorized to take to protect the public health in the case of other communicable diseases dangerous to the public health, except as otherwise provided in this chapter.

140.11 Quarantine procedure. When in the judgment of the local board it is necessary for the protection of the public health that any person infected with any venereal disease be quarantined, the procedure shall be the same as for other communicable diseases, except that the name of the disease present may be omitted from the quarantine card and the unaffected members of the household shall be unrestricted. The local board may isolate such person in the detention hospital provided for in this chapter and shall cause to be administered to said person a proper course of treatment.

140.12 Detention hospitals. When in the judgment of the board of supervisors of any county, or when advised by the state department acting with the United States public health service, that it is necessary to provide a detention hospital in the county for the isolation of persons infected with venereal diseases, said board of supervisors may provide such hospital and shall have power to construct, purchase, or rent a suitable place for such purposes and to equip and maintain the same in accordance with plans and specifications provided in advance by the state department.

140.13 Tax levy. For the purposes of section 140.12, including the purchase of real estate for hospital purposes, the board of supervisors shall have power to levy a special tax for a period not to exceed fifty years, but such levy shall not exceed one-half mill on the dollar in any one year.

140.14 Bond issue. Any county may anticipate the collection of the tax herein provided and may issue interest-bearing bonds at a rate of interest not to exceed five per cent per annum, to be denominated hospital bonds. Said bonds and the interest thereon shall be secured by said tax, and shall be payable only out of the hospital fund provided for in section 140.13. No bonds shall be issued in excess of taxes authorized to be levied.

140.15 Conditions of bonds. Such bonds shall be issued and sold in accordance with the provisions of existing statutes relating to the issuance and sale of bonds by counties. In issuing such bonds the board of supervisors may cause portions of the same to become due at different definite periods, but no bonds so issued shall be due and payable in less than three or more than fifty years from date of issue.

140.16 Physician and attendants. The board of supervisors shall appoint and fix the compensation of a physician and such nurses and other attendants as may be necessary to provide proper treatment and care for persons isolated in such detention hospitals. In case the board of supervisors shall fail to make such provision the chairman of the local board shall name a physician to render the necessary medical and surgical service, and shall provide such other attendants as may be required.

140.17 Rules for detention hospitals. The state department shall prescribe the rules for the maintenance and operation of the detention hospitals provided for in this chapter.

140.18 Termination of isolation. In case of isolation the local board shall not terminate said isolation until the case has become noninfectious or until permission has been given by the state department.

140.19 Test for infectiousness. In order to determine whether a venereal disease has become noninfectious an examination shall be made. Gonorrhea shall be deemed to be infectious until at least two successive smears, taken not less than forty-eight hours apart, fail to show gonococci upon a microscopic examination of the same.

140.20 Examination. Any person, subjected to examination under this chapter, may demand that some other physician than the health officer or physician representing the local board shall also make an examination; said physician shall be appointed by the chairman of the local board. In case the health officer or physician representing the local board and said physician cannot agree upon the diagnosis they shall select a third physician to make an examination, and the decision of two of said physicians shall determine the diagnosis.

140.21 Examination of women. In making examinations of women for the purpose of ascertaining the existence of any venereal disease, women physicians shall be appointed for said purpose, if practicable, when requested by the person to be examined.

140.22 Fee. The compensation of physicians, other than health officers and those representing the local board, for making examinations under this chapter, shall be five dollars for each examination.

140.23 Payment of expenses. The expenses incident to isolation under this chapter, including examinations, medical and surgical services, nursing and care, shall be paid as in cases of isolation for other diseases.

140.24 Release on bond. Any person, except a prostitute, infected with any venereal disease may be released from isolation upon bond. Written

application for such release shall be made to the local board, under oath, and must state that the applicant is not a prostitute; and such written application shall be accompanied by a certificate to that effect signed by some peace officer, magistrate, township clerk, or trustee of the city, town, or township wherein the case occurs.

140.25 Bond—conditions. If the application is approved the applicant shall file with the county auditor a bond in the penal sum of one thousand dollars conditioned that the applicant will not permit or perform any act which might expose to infection any other person, and will continue treatment until cured, and will faithfully observe the rules and other requirements of the state department, local board, and health officer. Said bond shall run to and for the benefit of the county wherein the venereal disease occurs, and shall be signed by one or more freeholders as sureties, to be approved by the county auditor; but a cash guaranty in like amount may be accepted in lieu of such bond.

140.26 Examination before release. Before any person is released from any such bond as cured, an examination shall be made in the manner provided in this chapter, and permission secured from the state department.

140.27 Parents responsible. The parents of minors acquiring venereal diseases and living with said parents shall be legally responsible for the compliance of such minors with the provisions of this chapter.

148.28 Confidential matters. The identity of persons infected with venereal disease shall be kept secret, and all information, records, and reports concerning the same shall be confidential and shall be inaccessible to the public, but said records and reports shall be open to inspection by law-enforcing officers and to persons who have contracted venereal diseases from infected persons, when an order for the same has been issued by any court of record, except as otherwise herein provided, and the alleged infected person shall have access to such records pertaining to himself without an order of court.

140.29 Druggists to keep record. Every pharmacist or person who sells any proprietary drug, preparation, or article of any kind used for the cure or treatment of any venereal disease, except on physician's order or prescription, shall keep a record of the name, address, and sex of each purchaser. A copy of said record shall be mailed each week to the state department of health, or to the full-time county or municipal health officer, if such exists within the county.

140.30 Suppression of prostitution. The local board, health officer, sanitation officer, and all other officers enforcing the provisions of this chapter shall use all proper means of suppressing prostitution, and no certificate or other evidence of freedom from venereal disease shall be issued by said officers.

140.31 Transmitting disease. Any person infected with any venereal disease who shall transmit the same to another person, or expose another to infection by intercourse, shall be punished as provided in this chapter, and in addition thereto shall be liable to the party injured for all damages sustained by reason of said injury.

140.32 Failing to report. Any physician who fails to make or falsely makes any of the reports required by this chapter concerning persons infected with any venereal disease, or who discloses the identity of such person, except as herein provided, shall be punished as provided in this chapter. Failure to report any venereal disease as specified in this chapter shall be cause for the refusal of license as provided in section 147.10.

140.33 Inspection of cases. In all suspected cases of venereal disease in the infectious stages, the local board shall immediately use every available

means to determine whether the person suspected is infected with said disease and if so, to ascertain the sources of such infection.

140.34. Officer to make examination. The health officer in each county, city, town or township shall examine every person, reasonably suspected of having any venereal disease in the infectious stages to ascertain if such person is so infected, but no person shall be subjected to such examination who is under the care and treatment of a physician and is taking recognized precautionary measures to prevent the infection of others.

140.35 Temporary isolation. Persons reasonably suspected of being infected with any venereal disease may be temporarily isolated in the detention hospital provided for in this chapter by the local board until an examination can be made.

140.36 Prophylactic treatment of eyes. Every physician shall immediately, upon the birth of an infant, instill into the eyes of such newly born infant, a prophylactic solution approved by the state department.

140.37 Detection of eye infection. Every physician who shall detect any inflammation, swelling, or redness in the eyes of any infant, or any unnatural discharge therefrom, within six months after its birth, shall immediately treat such child with the prophylactic solution prescribed in section 140.36. Any other person having the care of such child who shall discover any such condition of the eyes, within said time, shall immediately report the same and the location of such infant to the local board.

140.38 Children exempted. Nothing in sections 140.36 and 140.37 shall be construed to require medical treatment for the minor child of any person who is a member of a well recognized church or religious denomination, and whose religious convictions in accordance with the tenets or principles of his church or religious denomination are against medical treatment for disease.

140.39 Religious scruples recognized. No provision of this chapter, as it now is or as the same may be amended, shall be construed to require or compel any person who is a member of a well-recognized church or religious denomination, and whose religious convictions in accordance with the tenets or principles of his or her church or religious denomination are opposed to medical treatment for disease, to take or follow a course of medical treatment prescribed by law, or a physician, providing such person shall submit to and comply with all rules and regulations regarding quarantine, detention and confinement that may be prescribed by the local board of health.

140.40 Penalty. Any person violating any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

140.41 Penalty. Any person who knowingly violates any of the provisions of this act (48th G. A., ch. 83), shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days.

DISPOSAL OF DEAD BODIES

141.1 Definitions. For the purpose of this chapter:

1. "Local registrar" shall mean the local registrar of vital statistics.
2. "State registrar" shall mean the state registrar of vital statistics.
3. "Registration district" or "district" shall mean the district established by law for the registration of vital statistics.
4. "Person" shall include firm and corporation.
5. "Dead body" shall mean the dead body of a human being.

141.2 Certificate and burial permit. No person, without securing a proper death certificate and a burial or removal permit, shall:

1. Keep a dead body for more than seventy-two hours after death or discovery of the same.

2. Remove such body from or into any registration district in this state. Provided, that in cases where it is impossible to secure such certificate, burial or removal permit without delay, the state registrar may permit the attending embalmer or his registered student, to remove a body from or into any registration district in the state on the condition that such certificate, removal or burial permit will be secured and properly filed before the body is buried or otherwise disposed of, said permit to be executed in triplicate on a form prepared by the state department of health.

3. Bury or make other final disposition of such body in this state.

141.3 Execution and filing. The undertaker or other person in charge of the funeral or disposition of the body of every person dying in this state shall be responsible for the proper execution of a death certificate, which shall be filled out in durable black ink, in a legible manner, and filed with the local registrar of the registration district in which the death occurred or the body was found.

An official certificate of death is competent evidence in a proper case, notwithstanding the plea that it nullifies the protection which the law throws around privileged communications.

State vs. Flory, 198-75; 199 NW 303.

141.4 Contents of certificate. The certificate of death shall be executed on the United States standard form, approved by the bureau of the census, and shall contain the following items:

PART I

CERTIFICATION OF PERSONAL PARTICULARS

1. Place of death, including state, county, township, town, city, or industrial camp. If in a city, the street and house number; if in a hospital or other institution, the name of the same shall be given in place of the street and house number.

2. Full name. If an unnamed child, the surname preceded by "unnamed."

3. Residence. Length of residence in city or town where death occurred, and in the United States, if of foreign birth.

4. Sex.

5. Color or race, as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, or other race.

6. Conjugal condition, as single, married, widowed, or divorced.

7. Date of birth, including the year, month, and day.

8. Age, in years, months and days. If less than one day, the hours or minutes.

9. Occupation. The occupation of every person, male or female, who had any remunerative employment, shall be reported, stating:

a. Trade, profession, or particular kind of work.

b. General nature of industry, business, or establishment in which employed (or employer).

10. Birthplace, at least state or foreign country, if known.

11. Name of father.

12. Birthplace of father, at least state or foreign country, if known.

13. Maiden name of mother.

14. Birthplace of mother, at least state or foreign country, if known.

15. Name and address of informant.

PART II

CERTIFICATION OF DEATH AND LAST SICKNESS PARTICULARS

16. Date of death, year, month, day, and hour. Time last seen alive.

17. Period of medical attendance.

18. Cause of death, showing the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death

(primary cause) and the contributory (secondary) cause, if any, and the duration of each, and whether attributable to dangerous or insanitary conditions of employment.

Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal.

Indefinite and unsatisfactory terms denoting only symptoms of disease or conditions resulting from disease will not be sufficient.

19. For deaths in hospitals, institutions, or of nonresidents, the length of residence at place of death and in the state, together with the place where disease was contracted, if not at place of death, and former or usual residence shall be given.

20. Signature and address of physician, or official making the certification of death and last sickness particulars.

PART III

CERTIFICATION OF BURIAL PARTICULARS

21. Place of burial or removal.

22. Date of burial or removal.

23. Signature and address of undertaker, or person acting as such.

PART IV

ATTESTATION

24. Official signature of registrar, with the date when certificate was filed, and registration number.

141.5 Particulars. In the execution of a death certificate, the personal particulars shall be obtained from the person best qualified to supply them. The death and last sickness particulars shall be furnished by the attending physician, or in the absence of such person, or if there be no such person, by the coroner. The burial particulars shall be supplied by the undertaker or person acting as such. Each informant shall certify to the particulars supplied by him by signing his name below the list of items furnished.

1. The opinion of a coroner, expressed in a report to the state department to the effect that the deceased came to his death from suicide, is hearsay.

Michalek vs. Modern B. of A., 179-33; 161 NW 125.

2. Death certificate should not have been admitted in evidence where it was signed only by coroner and did not bear signatures of informants or undertaker, and where coroner stated that cause of death was "suicide", without using the word "probably."

Morton vs. E., 218 Ia. 846, 254 NW 325, 96 ALR 315.

3. A certificate of death not signed, executed, and certified in accordance with the laws governing the disposal of dead bodies is inadmissible as evidence in an action between private parties. *Id.*

141.6 Deaths without medical attendance. In case of any death occurring without medical attendance, the undertaker, or person acting as such, shall promptly report the case to the coroner. In such cases the coroner shall furnish such information as may be required by the state registrar in order to classify the death.

141.7 Stillbirths. A certificate of death and a burial or removal permit shall be required for every stillborn child which has advanced to the fifth month of uterogestation. The cause of death in such certificate shall be stated as "stillborn", with the cause of the stillbirth, if known. If a premature birth, such fact shall be stated and the period of uterogestation, in months, if known. Stillbirth occurring without the attendance of a physician shall be treated as deaths without medical attendance as provided in section 141.6.

141.8 Issuance of burial permit. Upon receipt of a death certificate the local registrar shall:

1. If the certificate is properly executed and complete, issue a burial or

removal permit, as may be desired, to the undertaker or other person filing the same.

2. If the certificate is incomplete or improperly executed, return such certificate to the undertaker or other person filing the same for immediate correction.

Any person supplying any of the particulars in such certificate shall complete or correct the same in accordance with the directions of the local registrar.

141.9 Fee. No fee shall be charged by a local registrar for the issuance of a burial or removal permit.

141.10 Completeness of certificate. No certificate of death shall be held complete and correct that does not supply all of the particulars called for in the United States standard form certificate, detailed in accordance with the rules of the state department of health, or satisfactorily account for their omission.

141.11 Communicable diseases. In case a death occurs from some communicable disease, as defined in the chapter on contagious and infectious diseases, no permit for the removal or other disposition of the body shall be issued by the local registrar, except under such rules as may be prescribed by the state department.

141.12 Burial permit. The burial or removal permit shall be issued upon a form prescribed by the state department and shall state:

1. The name, age, sex, cause of death, and other necessary details required by the state department.

2. That a satisfactory certificate of death has been filed as required by law.

3. That permission is granted to inter, remove, or otherwise dispose of the body.

141.13 Burial in foreign district. No burial permit shall be required from the local registrar of the district in which a burial is to be made, when a body is removed from one district to another district in this state, for purpose of final disposition.

141.14 Transportation of bodies. No person or common carrier shall ship or receive for shipment within this state or to any point outside the state, by any public conveyance, a dead body unless the box containing the corpse shall have attached thereto an embalmer's certificate showing the name and official number of the embalmer by whom the body was prepared, and the method of preparation employed.

141.15 Papers to be carried by escort. In addition to the requirements of section 141.14, the person accompanying the body shall have in his possession:

1. A copy of the physician's or coroner's certificate of cause of death.

2. A transit permit issued by the local board or local registrar.

141.16 Shipment by express. When the body is shipped by express a copy of the certificate of cause of death and the transit permit shall be attached to the waybill and delivered with the body at destination.

141.17 Shipping permit. All transit permits shall be issued by the local board or local registrar upon application of an embalmer and shall be signed by the local health officer or local registrar. No transit permit shall be issued to any embalmer who is not in good standing as shown by the records of the state department.

141.18 Importation of bodies. A body imported from outside the state shall be subject to the same rules as to transportation as bodies shipped from within the state.

141.19 Permit for imported bodies. When a dead body is transported from outside this state into the state for final disposition, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body is transported, as a basis upon which to issue a local burial permit. The fact that such body was shipped into this state for burial and the actual place of death shall be noted on the face of the burial permit by the local registrar.

141.20 Shipments for scientific purposes. The provisions of this chapter relating to the transportation and importation of dead bodies, shall not be applicable to the shipment within this state of dead bodies intended for use for scientific purposes when the same are so designated by the shipper. Such bodies shall be prepared and shipped under special rules provided for that purpose by the state department.

141.21 Disinterment for reburial. No person shall disinter the dead body of a human being for removal from one grave to another in the same cemetery or for removal to another cemetery without obtaining from the state department a permit for that purpose, and the department may by rule entirely prohibit disinterments for such purpose of the bodies of persons who have died of extremely contagious diseases. A dead body, properly prepared by an embalmer and deposited in a receiving vault, however, shall not be considered as a buried body within the meaning of this section.

141.22 Disinterment for autopsy. No person shall disinter the dead body of a human being for the purpose of holding an autopsy thereon in order to determine the cause of death without obtaining for that purpose either:

1. An order of the district court of the county in which the body is buried, or
2. A special permit from the state department of health.

141.23 Application for disinterment. An application to the state department for a disinterment permit either for the purpose of reburial or for holding an autopsy shall be upon a form furnished by the department and shall state:

1. Name of person whose body is to be disinterred.
2. Date of death.
3. Age at death.
4. Cause of death.
5. Name and location of the cemetery (county and township) from which the body is to be removed, and the same items concerning the cemetery in which the body is to be reinterred.
6. Relation of the applicant to the deceased person.
7. Name of the embalmer who is to perform the disinterment.
8. Such other information as the department may require.

141.24 Application for court order. An application for a court order for a disinterment for the purpose of holding an autopsy may be made by the county attorney, coroner, or any attorney representing any party in any criminal or civil proceedings. Such application shall contain substantially the items required in an application for a permit made to the state department of health, and such other information as the court may direct.

141.25 Granting of application. No application for a permit to disinter for the purpose of holding an autopsy shall be granted by the court or state department except under circumstances such as to cause the belief that someone is criminally or civilly liable for such death. A proper showing shall be made in every case and due consideration shall be given to the public health, the dead, and the feelings of relatives and friends. The limitations of this section shall not apply when the application is made by the surviving spouse or next of kin.

141.26 Authority under permit. No person who is granted a permit to

disinter the dead body of a human being for the purpose of reburial shall open the casket containing such body or permit an autopsy thereon. Such acts may only be performed under a special permit granted by the state department or under an order of the court as provided in this chapter.

141.27 Method of making a disinterment. Every disinterment shall be made by an embalmer and shall be performed in accordance with rules of the state department governing the same.

141.28 Delivery of burial permit. The undertaker, or person acting as such, shall deliver the burial, removal, or disinterment permit to the person in charge of the cemetery before interring, disposing of, or disinterring any body therein.

141.29 Duty of sexton. The person in charge of every cemetery shall see that all the requirements of this chapter relative to burial, removal, and disinterment permits have been complied with before any burial, disposal, or disinterment is made in said cemetery.

141.30 Indorsement and return of permit. Such person shall indorse upon said permit the date of burial, disposal, or disinterment, over his signature, and shall return the same to the local registrar of the district in which the cemetery is located within ten days from the date of burial, or within the time fixed by the state department. In case reburial is made in another cemetery after disinterment, the disinterment permit shall accompany the body and shall be dealt with as an original burial permit.

141.31 Record of burials. The record-keeping officer of every cemetery shall make and keep a permanent record of all burials, disposals, disinterments, or reburials made in such cemetery, which record shall at all times be open to public inspection. This record shall, in each case, state the name of each deceased person, place of death, date of burial, disposal, disinterment, or reburial, and name and address of undertaker.

141.32 No person in charge of cemetery. In case there is no person in charge of the cemetery, the undertaker, or person acting as such, shall sign said permit, giving the date of burial, disposal, or disinterment, and shall write across the face of said permit the words "No person in charge", and file the same, within ten days, with the local registrar of the district in which the cemetery is located.

141.33 Forged papers. Any person who shall issue a forged death certificate, burial, removal, disinterment, or transit permit, or who shall certify falsely as to the cause of death or the preparation of a dead body, shall be guilty of forgery and punished accordingly.

141.34 Any person who shall violate any provision of this chapter shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned not more than thirty days in the county jail, or be punished by both such fine and imprisonment.

DEAD BODIES FOR SCIENTIFIC PURPOSES

142.1 Delivery of bodies. The body of every person dying in a public asylum, hospital, county home, penitentiary, or reformatory in this state, or found dead within the state, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathy or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during his last illness that his body should be buried or cremated, nor if such is the desire of his relatives or friends. Such bodies shall be equitably distributed among said colleges and schools in accordance with such rules as may be adopted by the state depart-

ment of health, but the number so distributed shall be in proportion to the number of students matriculated at each college or school. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same.

" * * * where the deceased is an inmate of an institution as defined in section 142.1, Code of 1946, who expressed no desire before his death as to the disposal of his body and whose relatives or friends do not express any such desire, what disposal should be made of his body?"

"Under section 142.1, Code of 1946, if such deceased person's body was a fit subject for scientific purposes, then it would be delivered to the medical college of the state university or such other college as the State Board of Health might direct, and the expense of transportation of said body to such college or school would have to be paid by the college or school receiving the same."

"If after the body has been delivered to some college or school and it is claimed before dissection by some relative or friend, the body should be surrendered to said relative or friend for burial without public expense."

Opinion Atty. Gen., December 14, 1927.

142.2 Furnished to physicians. When there are more dead bodies available for use under section 142.1 than are desired by said colleges or schools, the same may be delivered to physicians in the state for scientific study under such rules as may be adopted by the state department.

142.3 Notification of state department. Every coroner, undertaker, and the managing officer of every public asylum, hospital, county home, penitentiary, or reformatory, as soon as any dead body shall come into his custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the state department by telegram, and hold such body unburied for forty-eight hours. Upon receipt of such telegram, the department shall telegraph instructions relative to the disposition to be made of said body.

142.4 Surrender to relatives. When any dead body which has been delivered under this chapter for scientific purposes is subsequently claimed by any relative or friend, it shall be at once surrendered to such relative or friend for burial without public expense; and all bodies received under this chapter shall be held for a period of sixty days before being used.

142.5 Disposition after dissection. The remains of every body received for scientific purposes under this chapter shall be decently buried or cremated after it has been used for said purposes, and a failure to do so shall be a misdemeanor.

142.6 Record of receipt. Any college, school, or physician receiving the dead body of any human being for scientific purposes shall keep a record showing:

1. The name of the person from whom, and the time and place, such body was received.
2. The description of the receptacle in which the body was received, including the shipping direction attached to the same.
3. The description of the body, including the length, weight, and sex, apparent age at time of death, color of hair and beard, if any, and all marks or scars which might be used to identify the same.
4. The condition of the body and whether mutilated so as to prevent identification.

142.7 Record and bodies. The record required by section 142.6 and the dead body of every human received under this chapter shall be subject to inspection by any peace officer, or relative of the deceased.

142.8 Purpose for which body used. The dead bodies delivered under this chapter shall be used only within the limits of this state for the purpose of scientific, medical, and surgical study, and no person shall remove the same beyond the limits of this state or in any manner traffic therein. Any

person who shall violate this section shall be punished by imprisonment for a term not exceeding one year in the county jail.

142.9 Failure to deliver dead body. Any person having the custody of the dead body of any human being which is required to be delivered for scientific purposes by this chapter, who shall fail to notify the state department of the existence of such body, or fail to deliver the same in accordance with the instructions of the department, shall be punished by a fine not exceeding fifty dollars.

142.10 Use without proper record. Any physician or member of the instructional staff of any college or school who uses, or permits others under his charge to use the dead body of a human being for the purpose of medical or surgical study without the record required in section 142.6 having been made, or who shall refuse to allow any peace officer or relative of the deceased to inspect said record or body, shall be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

142.11 Penalties. Any person who shall receive or deliver any dead body of a human being knowing that any of the provisions of this chapter have been violated, shall be imprisoned in the penitentiary not more than two years, or fined not exceeding twenty-five hundred dollars, or both.

PUBLIC HEALTH NURSES

143.1 Authority to employ. The board of supervisors of any county, the council of any city or town, or the school board of any school district may employ public health nurses at such periods each year and in such numbers as may be deemed advisable. The compensation and expenses thereof shall be paid out of the general fund of the political subdivision employing said nurses.

143.2 Cooperation. The said boards and councils within any county may cooperate in the employment of public health nurses and may apportion the expenses therefor to the various political subdivisions represented by said authorities.

143.3 Duties. The authorities employing any public health nurses shall prescribe their duties which in a general way shall be for the promotion and conservation of the public health.

REGISTRATION OF VITAL STATISTICS

Municipalities have no authority to prohibit the local registrar from issuing a permit for a funeral on Sunday.

"We find nothing in any statute of the state that grants the municipalities any control over or any right to interfere with the duties of the local registrars, as prescribed by the statute. The local registrar is an official created by state statute and for an obvious state purpose. His rights and duties are prescribed by statute, and its provisions are intended to be exclusive. To make him subject to additional regulations prescribed by municipal ordinances would create an intolerable condition and would have a tendency to defeat rather than to uphold the law."

Opinion Atty. Gen., October 25, 1924.

144.1 Definitions. For the purpose of this chapter:

1. "Local registrar" shall mean the local registrar of vital statistics.
 2. "State registrar" shall mean the state registrar of vital statistics.
 3. "Vital statistics" shall mean statistics concerning births, deaths, marriages, and divorces.
 4. "Person" shall include firm and corporation.
 5. "County registrar" shall mean the county registrar of vital statistics.
- [49th G. A., ch. 117, section 1.]

144.2 State registrar. The commissioner of public health shall be the state registrar.

144.3 Quarters and equipment. Suitable quarters shall be provided by the executive council for the division of vital statistics at the seat of government, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this chapter.

144.4 County clerk as registrar. The clerk of the district court shall be the county registrar.

144.5 Deputy registrar. Each county registrar shall appoint one of his deputy clerks of court as deputy county registrar and said deputy county registrar shall act in his place in case of his absence or disabilities; and such deputy shall, in writing, accept such appointment. [49 G. A., ch. 117, section 7.]

144.6 Local registrars. The county registrar shall with the approval of the board of supervisors, appoint as many local registrars as are, in his opinion, necessary to carry out the provisions of this chapter and shall assign to each local registrar a definite district, except that local registrars in cities having a population of thirty-five thousand or more, shall be appointed by the local board of health. A copy of such appointments and assignments shall be kept as a permanent record in the office of the county registrar and a copy thereof shall be forwarded to the state registrar. [49 G. A., ch. 117, sections 4, 9.]

144.7 Removal. Any local registrar, who in the judgment of the state department fails or neglects to make prompt and complete return of births and deaths, and otherwise efficiently discharge the duties of his office, shall be forthwith removed by the department. [49th G. A., ch. 117, section 10.]

144.8 Duties of state registrar. The state registrar shall:

1. Have general supervision of the registration of vital statistics.
2. Have supervisory power over local registrars, deputy registrars, and subregistrars, and clerks of the district court in the enforcement of the law relative to the disposal of dead bodies and the registration of vital statistics.
3. Prepare and issue such detailed instruction as may be required to procure the uniform observance of the provisions of said law and the maintenance of a perfect system of registration.
4. Furnish blank certificates of births, deaths, and other forms and record books required by this chapter to all persons concerned with the administration of the same. No other blanks and records shall be used than those supplied by the state registrar.
5. Carefully examine the certificates received from the local registrars and clerks of the district court, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory.
6. Systematically arrange, bind, and deposit in the state historical building at the seat of government, the original certificates of births, deaths, and marriages for the preceding calendar year.
7. Prepare and maintain a comprehensive and continuous card index of all births, deaths, marriages, and divorces reported. Said index shall be arranged alphabetically:
 - a. In case of deaths, by the names of decedents.
 - b. In case of births, by the names of fathers, mothers, and children.
 - c. In the case of marriages and divorces, by the names of both parties.

144.9 Duties of local registrar. The local registrar shall, subject to the direction and supervision of the state registrar:

1. Strictly and thoroughly enforce the law relative to the disposal of dead bodies and the registration of births and deaths in his registration district.

2. Issue instructions to all physicians, undertakers, and the people in general in his district, concerning the registration of births and deaths.

3. Distribute to the proper persons all forms and blanks required for the registration of births and deaths, and for the making of other records incident thereto.

4. Distribute to every physician, undertaker, and retail casket dealer registered in his district, a copy of the law relative to the registration of vital statistics and the disposal of dead bodies, and of the rules of the state department pertaining thereto.

5. Carefully examine each certificate of birth or death when presented for record, in order to ascertain whether it has been made out in accordance with law and the instructions of the state registrar; and if any such certificate is incomplete or unsatisfactory, he shall have the same corrected.

6. Number consecutively the certificates of birth and death, in two separate series, beginning with number one for the first birth and the first death in each calendar year, and sign his name as registrar in attestation of the date of filing in his office.

7. Make a complete and accurate copy of each birth and death certificate registered by him in a record book supplied by the state registrar, to be preserved permanently in his office as the local record.

8. On the third day of each month, transmit to the county registrar, in a stamped return envelope furnished by the state registrar, all original certificates registered by him for the preceding month. If no births or deaths occur in any month, he shall on the third day of the following month report that fact to the county registrar, on a card provided for such purpose.

9. Make a return, within thirty days after the close of each calendar year, to the state registrar of all physicians, undertakers, or retail casket dealers, who have been registered in his district during the whole or any part of the preceding calendar year.

10. Make an immediate report to the state registrar of any violation of the law relative to registration of vital statistics and the disposal of dead bodies of which he has knowledge. [49th G. A., ch. 117, section 11.]

144.10 Reports to state registrar. On the tenth day of every month the county registrar shall transmit to the state registrar, in a stamped, returned envelope furnished by the state registrar, the original certificates transmitted to him by the several local registrars after first making a permanent record thereof in a book to be approved by the state registrar. If no births or deaths occur within the county in any month, he shall on the tenth day of the following month report that fact to the state registrar on a card provided for that purpose. [49th G. A., ch. 117, section 13.]

144.11 Regulation. Every provision of this chapter, of the chapter relative to the disposal of dead bodies, and of the rules of the state department applicable to county registrars in the registration of births and deaths, and the issuance of burial permits, shall apply to deputy registrars and local registrars. [49th G. A., ch. 117, section 14.]

144.12 Birth certificate. Within ten days after each birth there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth filled out with durable black ink in a legible manner.

144.13 Contents of birth certificate. The certificate of birth shall be executed on the United States standard form, approved by the bureau of the census, and shall contain the following items:

1. *Place of birth*, including state, county, township, town, or city. If in the city, the street and the house number; if in a hospital or other institution, the name of the same shall be given in place of the street and house number.

2. *Full name of child*. If the child dies without a name, before the certificate is filed, the words "died unnamed" shall be entered. If the living child has not yet been named at the date of filing certificate of birth, the space for "full

name of child" shall be left blank, to be filled out by a supplemental report, as hereinafter provided.

3. *Sex of child.*

4. *Plurality of birth.* Whether a twin, triplet, or other plural birth; number of each child in order of birth. A separate certificate shall be required for each child in case of plural births.

5. *Legitimacy of birth,* whether legitimate or illegitimate.

6. *Date of birth,* including the year, month and day.

7. *Full name of father.* If the child is illegitimate, the name of the putative father shall not be entered without his consent, unless the paternity of the child has been determined in a regular legal proceeding instituted for that purpose, but the other particulars relating to the putative father (items nine to twelve, inclusive) shall be entered, if known, otherwise, as "unknown."

8. *Residence of father.*

9. *Color or race of father.*

10. *Age of father at last birthday, in years.*

11. *Birthplace of father,* at least state or foreign country, if known.

12. *Occupation of father.* The occupation shall be reported if engaged in any remunerative employment, stating:

a. Trade, profession, or particular kind of work.

b. General nature of industry, business or establishment in which employed (or employer).

13. *Maiden name of mother.*

14. *Residence of mother.*

15. *Color or race of mother.*

16. *Age of mother at last birthday, in years.*

17. *Birthplace of mother,* at least state or foreign country, if known.

18. *Occupation of mother.* The occupation shall be reported if engaged in any remunerative employment, stating:

a. Trade, profession, or particular kind of work.

b. General nature of industry, business, or establishment in which employed (or employer).

19. *Number of children born to the mother, including present birth.*

20. *Number of children of the mother living.*

21. *Certification or attendance at birth, including:*

a. Statement of year, month, day (as given in item six).

b. Hour of birth.

c. Whether the child was born alive or stillborn.

This certification shall be signed by the attending physician, with date of signature and address. If there is no physician in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person.

22. *Exact date of filing in office of local registrar, attested by his official signature, and registration number of birth.*

144.14 Person in attendance at birth. The attending physician, or person acting as midwife, shall be responsible for the proper execution and return of a certificate for each birth, in accordance with the provisions of this chapter.

144.15 Reporting birth. In case there is no physician, or person acting as midwife, in attendance upon the birth, a report of the same shall be made within ten days thereafter to the local registrar of the district in which the birth occurred. It shall be the duty of the following persons, in the order named, to make such report:

1. The father or mother of the child.

2. The householder or owner of the premises where the birth occurred.

3. The manager or superintendent of the public or private institution in which the birth occurred.

144.16 Certificate of birth. When the report of a birth is received under section 144.15, the local registrar shall secure from the person so reporting,

or from any other person having the required knowledge, such information as will enable him to prepare the proper certificate of birth.

144.17 Incomplete certificates. No certificate of birth shall be held complete and correct that does not supply all of the items of information called for in the United States standard form certificate, detailed in accordance with the rules of the state department, or satisfactorily account for their omission. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant and require him to supply the missing items of information if they can be obtained, or he may obtain them from any other person having the required knowledge.

144.18 Interrogation of informants. Every person making a return of a birth or reporting the same, or who may be interrogated in relation thereto, shall answer correctly, and to the best of his knowledge, all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as provided in this chapter, and the informant, as to any statement made in accordance herewith, shall verify such statement by his signature, when requested to do so by the local registrar.

144.19 Supplemental return. When any certificate of birth of a living child is presented without the statement of the given name, then the registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the local registrar as soon as the child shall have been named.

144.20 Stillborn children. A stillborn child shall be registered as a birth, and also as a death as provided in the chapter on "Disposal of Dead Bodies." A certificate of both the birth and death shall be filed with the local registrar, in the usual form and manner. The certificate of birth shall contain, in place of the name of the child, the word "stillbirth". Such certificates shall not be required for a child that has not advanced to the fifth month of uterogestation.

Note: Conforming with U. S. Census Bureau ruling, a stillbirth is now recorded on a standard stillbirth certificate on a form furnished by the department of health.

144.21 Altering certificates. No certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this chapter, shall be altered or changed in any respect except by amendment properly dated, signed, and witnessed.

144.22 Records of personal particulars. Every superintendent in charge of any hospital, county home, jail, reformatory, penitentiary, or other institution, public or private, to which persons resort for treatment of diseases or for confinement, or are committed by process of law, shall keep a record, as directed by the state registrar, of all the personal particulars and data relative to each patient, inmate, or prisoner in such institution which are required in the United States standard forms of birth and death certificates.

144.23 Source of information. The personal particulars and data required by section 144.22 shall be obtained from the individual himself if practicable to do so; and when not, the same shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

144.24 Time of making record. Such record shall be made for each patient, inmate, or prisoner at the time of his admittance; and in case of each person admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease, and where, in his opinion, it was contracted.

144.25 Physicians—undertakers—casket dealers. Every physician, undertaker, and retail casket dealer, shall, not later than the first day of January

of each year, register his name, address, and occupation with the local registrar of the district in which he resides. Such registration shall also be made immediately upon removing to another registration district.

144.26 Casket sales. Every person selling a casket at retail shall keep a record, which shall be open at all times to the state and local registrar for inspection, showing:

1. Name of the purchaser.
2. Purchaser's postoffice address.
3. Name of deceased.
4. Date and place of death of deceased.

This section shall not apply to any person selling caskets at wholesale to undertakers or other dealers.

144.27 Report. On the first day of each month every person selling caskets at retail shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose. Such reports shall not be required from undertakers when they have direct charge of the disposition of the dead body for which a casket is sold.

144.28 Information to accompany caskets. Every person selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket the following:

1. A notice furnished by the state registrar, calling attention to the requirements of the law relative to the disposal of dead bodies and the registration of vital statistics.
2. A blank certificate of death.
3. The rules and regulations of the state department concerning the disposal of dead bodies.

144.29 Duty to furnish information. Upon demand of the state registrar in person, by mail, or through the local registrar, every physician, informant, undertaker, or person having knowledge of the facts relative to any birth or death, shall supply such information as he may possess, upon a form provided by the state registrar or upon the original birth or death certificate.

144.30 Private genealogical records. If any person, organization, company, society, or association is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this state, such person, company, society, or association may file such record, or a duly authenticated transcript thereof, with the state registrar. The state registrar shall preserve such record or transcript and make an index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to public inspection, subject to such reasonable conditions as the state registrar may prescribe.

144.31 Certified copies. The state registrar shall, upon request, supply to any applicant for any proper purpose, a certified copy of any record filed under section 144.30. For his services, the state registrar shall charge a fee of fifty cents for each hour or fractional part of an hour spent in making such copy, and twenty-five cents for attaching his certificate thereto.

144.32 Fee. Each local registrar shall be paid twenty-five cents for each birth or death certificate properly executed, filed, recorded, and returned to the county registrar, as required by law.

144.33 Fee for reporting no registration. In case no birth or death is registered during any month, the local registrar shall be paid the sum of twenty-five cents for a report to that effect, made within the time prescribed in this chapter.

144.34 No fee for registering physicians. No fee or other compensation shall be charged by any local registrar to any physician, undertaker, or casket dealer for registering his name under this chapter or making return thereof to the state registrar.

144.35 Payment of local registrars. All amounts payable to a registrar under the provisions of this chapter shall be paid by the county in which the registration district is located, immediately upon certification by the state registrar, in the manner in which other claims are paid by the county. The state registrar shall annually, or at such other times as he may deem expedient, certify to the auditor of each county the number of births and deaths properly registered in said county, with the name of each registrar and the amounts due him as fees under the provisions of this chapter.

144.36 Record book of marriages and divorces. The clerk of the district court in each county shall keep a record book for marriages and a record book for divorces. The form of said books shall be uniform throughout the state and shall be prescribed by the state department. Said books shall be provided at the expense of the county.

144.37 Contents of record book for marriages. The record book for marriages shall show the same items and personal particulars for each marriage solemnized in the county as are required in the return of a marriage as prescribed by the chapter on "Marriage" in the title on "Domestic Relations".

144.38 Contents of record book for divorces. The record book for divorces shall show the following items for each divorce granted in the county:

1. Full name, color, age, nationality, and number of prior marriages of each of the parties.
2. Date of marriage.
3. Cause of divorce.
4. Date of divorce.
5. Person to whom divorce granted (husband or wife).
6. Such additional data respecting each divorce as the state department may prescribe.

144.39 Source of entries. The items respecting each marriage shall be taken from the return thereof, and the items respecting each divorce shall be taken as far as possible from the court records. The other data necessary to complete the entries in the record book of divorces shall be supplied by the parties to the action or by their attorneys.

144.40 Reporting marriages and divorces. The clerk of the district court shall on or before the first day of February of each year transmit to the state registrar:

1. All the original returns of marriages filed in his office during the preceding calendar year.
2. A copy of the entries made in the record book for divorces for every divorce granted in the county during the preceding calendar year.
3. Such other data relative to marriages and divorces as the state registrar may prescribe.

144.41 Certified copies. The state registrar or any county registrar shall, upon request, supply to any applicant for any proper purpose, a certified copy of the record of any birth, death, or marriage, registered under the provisions of this chapter, for the making and certifying of which he shall charge a fee of fifty cents.

Opinion of the attorney general: Vital Statistics—public records. May only be used or furnished for certain purposes—cannot be used for purely commercial purposes.

"While these records are public records for certain purposes, still they are not for all purposes. The statute expressly provides that these records shall be available under the provisions of the law. Under no circumstances should they be furnished for any other than proper purposes."

Dated December 17, 1923.

144.42 Search of records—fee. In cases in which search of the files and records is made, but no certified copy is requested, or the requested record is not found, the state registrar shall charge a fee of fifty cents for each hour or fractional part of an hour spent in search.

144.43 Free certified copies. Upon request of any parent or guardian, the state registrar shall supply, without charge, a certificate limited to a statement as to the date of birth of any child, when the same shall be necessary for admission to school or for the purpose of securing employment.

144.44 Adopted children—certificates of birth. When a decree declaring a child legally adopted or annulment of adoption is entered in any court of record in this state, an abstract of the decree upon a form provided for that purpose shall be forwarded by the clerk of said court to the state registrar of vital statistics on or before the tenth day of the succeeding month. This certificate or abstract of the decree of adoption shall be filed with the original record of birth and shall remain a part of the records of the state bureau of vital statistics, and shall not be accessible to any one except upon order of court. Upon request a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, but no reference to the adoption shall be made in any birth certificate. The certificate of birth shall contain the name of the parents, who adopted the child, as the father and mother of the adopted child.

When a new birth certificate is made to replace the original birth certificate of an adopted child, the state registrar shall inform the county registrar whose records contain copies of the original certificate that he shall effectively seal a cover over such copy in a manner as not to deface or destroy such copy and that thereafter the information contained in such copy shall only be available upon court order.

A new certificate of birth may be issued by the state registrar in accordance with this chapter in the case of a child born in the state, but adopted by a legal proceeding in another state, in the District of Columbia, or in any territory of the United States which has jurisdiction of the child, upon the filing with the state registrar a copy of the decree, judgment or other certification as may be required by the registrar from the judge who entered it or the person having the legal custodianship of the records in the proceeding. When any such certificate is issued, it shall be treated in all respects the same as, and governed by, all the provisions of this chapter pertaining to a certificate issued in the case of a child adopted in this state. If the birth occurred outside the state of Iowa, the state registrar shall forward the certificate of said decree to the appropriate registration authority. All certificates of birth shall contain the name of the parents, who adopted the child, as father and mother of said child.

Upon receipt of a certificate of annulment of adoption, the state registrar shall restore the original certificate of birth to its original status in the files, and shall notify the county registrar to do likewise.

144.45 Written records of adoption—sealing. In the cases where an adoption was consummated under previous laws by the procedure of written records in the office of the county recorder and where a child has been legally adopted in that manner an abstract of the written record upon a form provided for that purpose shall be forwarded by the county recorder of said county to the state registrar of vital statistics on or before July 1, 1946. This certificate or abstract of the record in the county recorder's office showing the adoption shall be filed with the original record of birth and shall remain a part of the records of the state bureau of vital statistics and shall not be accessible to anyone except upon order of the court.

Upon request a certificate of birth shall be issued bearing the name of the child as shown by the written instrument that was recorded in the office of the county recorder that shows the adoption but no reference to the adoption shall be made in any birth certificate and the name of the parents who adopted the child shall appear on the birth certificate as the father and mother of the child.

When a new birth certificate is made to replace the original birth certificate of an adopted child, the state registrar shall inform the county registrar whose records contain copies of the original certificate that he shall effectively seal a cover over such copy in a manner as not to deface or de-

stroy such copy and that thereafter the information contained in such copy shall only be available upon court order.

144.46 United States census bureau. The United States census bureau shall have the privilege of making, at its own expense and without paying the legal fees, copies of all records and vital statistics provided for in this chapter.

144.47 Accounting for fees. The state registrar shall keep a true and correct account of all fees received by him and turn the same over to the state treasurer as provided by law.

144.48 Copies of record as evidence. Any certified copy of the record of a birth, death, or marriage, made under this chapter, shall be presumptive evidence in all courts and places of the facts therein stated.

144.49 System exclusive. No system for the registration of births, deaths, or marriages shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter.

144.50 Investigation. The state department shall have authority to investigate cases of irregularity or violation of the law relative to the registration of vital statistics and the disposal of dead bodies, and all registrars shall aid the department in such investigation.

144.51 Duty of county attorney. The state department shall report, when deemed necessary, cases of violation of said law to the proper county attorney, with a statement of the facts and circumstances; and when any such case is reported to such county attorney he shall forthwith initiate and promptly follow up the necessary court proceedings against the person responsible for the alleged violation of law.

144.52 Duty of attorney general. Upon request of the state department, the attorney general shall assist in the enforcement of the provisions of this chapter and of the chapter relative to the disposal of dead bodies.

144.53 Penalty. Any person violating any of the provisions of this chapter or of any rule of the state department relative thereto, or falsifying any certificate of birth or any record established by this chapter, shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned not more than thirty days in the county jail, or be punished by both such fine and imprisonment.

144.54 Second offense. If any person who has been convicted under section 144.53 shall be again convicted of a violation of any of the provisions of this chapter or of any rule of the state department relative thereto, on a similar charge, he shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment; and if a physician, he shall, in addition, have his license to practice his profession revoked; but such former conviction shall be referred to in the indictment or information, stating the court, date, and place that judgment was rendered.

STATE BOARD OF EUGENICS

145.1 State board. A state board of eugenics is hereby created. Said board shall consist of the medical director of the state psychopathic hospital connected with the college of medicine of the state University at Iowa City, of the commissioner of public health, and of the superintendents of the following state institutions, to-wit:

1. The Cherokee state hospital.
2. The Clarinda state hospital.
3. The Independence state hospital.
4. The Mount Pleasant state hospital.

5. The institution for feeble-minded children at Glenwood.
6. The hospital for epileptics and school for feeble-minded at Woodward.
7. The women's reformatory at Rockwell City.

145.2 Quarterly reports of defective. Each member of said board, and the warden of the penitentiary and the warden of the men's reformatory, shall, annually, on the first day of January, April, July and October, report to the state board of eugenics the names of all persons, male or female, living in this state, of whom he or she may have knowledge, who are feeble-minded, insane, syphilitic, habitual criminals, moral degenerates, or sexual perverts and who are a menace to society.

145.3 Notice. Any person reported to the state board of eugenics, under the provisions of section 145.2, must be served with a notice in writing of such report and fixing a time and place not less than ten days subsequent to such report for the time and place of examination and hearing before said board. Said notice shall be served as provided in section 145.11.

145.4 Hearing. Any person reported to the state board of eugenics, as provided in section 145.2, and who has been notified thereof, shall have the right to appear personally before said board and to be represented by counsel at such hearing. He shall have the right to have witnesses subpoenaed and to introduce such evidence in regard to the matter at issue as the board shall deem relevant, material and proper.

145.5 Examination and hearing. It shall be the duty of said board at the time and place named in the notice to the person reported upon, with such reasonable continuances from time to time and from place to place as the board may determine, to proceed to hear and consider the evidence offered and to examine into the innate traits, the mental and physical conditions, the personal records and family traits and history of the person reported upon and notified as in this chapter provided, in so far as the same can be ascertained. If the person reported upon is an inmate of any institution, the said board shall see to it that the inmate shall have opportunity and leave to attend the said examination and hearing in person, if desired by him or if requested by his guardian or person served with the notice as aforesaid.

145.6 Witnesses. To enable the board to discharge said duty, said board, or the chairman thereof, on the order of the board, shall have power and authority to issue subpoenas and to cause the same to be served.

145.7 Contempt. Should a witness be duly served with a subpoena and refuse to appear, or should a witness refuse to answer, the board shall report such refusal to the district court or judge thereof, of the county in which the refusal occurs, and the court, or judge thereof, shall proceed as though such refusal had occurred in a proceeding before said court or judge.

145.8 Oaths. Any member of said board shall have power to administer an oath to witnesses before it.

145.9 Order for sterilization. If in the judgment of a majority of said board procreation by such persons would produce a child or children having an inherited tendency to feeble-mindedness, syphilis, insanity, epilepsy, criminality, or degeneracy, or who would probably become a social menace or ward of the state, and there is no probability that the condition of such person so investigated and examined will improve to such an extent as to avoid such consequences, then it shall be the duty of such board to make an order embodying its conclusions with reference to such person in said respects and specifying such a type of sterilization as may be deemed by said board best suited to the condition of said person and most likely to produce the beneficial results in the respects specified in this section, but nothing contained in this chapter shall be construed to authorize castration nor removal of sound organs from the body.

145.10 Findings. After fully inquiring into the condition of each of such persons, said board shall make separate written findings and conclusions for each of the persons into whose condition it has examined, including its findings, conclusions, and order thereon as herein provided, and the same shall be preserved in the records of said board and a copy thereof shall be furnished to the official who reported the case.

145.11 Service of order. If an operation is deemed necessary by said board for such person so investigated, then a copy of the order of said board recommending such operation shall be served forthwith on said person, or, in the case of an insane or feeble-minded person, upon his legal guardian, and if such person has no legal guardian, then upon his nearest known kin, or personal friend, within the state, and if such person has no known kin or personal friend within the state, then the board shall cause application to be made to the district court of the county in which such person resided or may be found for the appointment of some suitable person to act as guardian of the person reported upon during and for the purposes of the proceedings under this chapter, to defend the rights and interests of the said person, and the court shall, by proper order, appoint some suitable person to act as guardian for said purposes who shall be paid from any funds in the state treasury not otherwise appropriated, a fee, but not exceeding twenty-five dollars, as may be determined by the judge of said court, for his services under said appointment. Such guardian may be removed or discharged at any time by said court, or the judge thereof in vacation, and a new guardian appointed and substituted in his place.

145.12 Purpose and objects sought. Said investigation, findings, and orders of said board shall be made with the purpose in view of securing a betterment of the physical, mental, neural or psychical condition of the person, to protect society from the acts of such person, or from the menace of procreation by such person, and not in any manner as a punitive measure.

145.13 Consent to operation. If any person whose condition has been examined and reported upon by said board, as hereinbefore provided, shall consent in writing to have the operation specified in the order of said board performed, such operation shall thereupon be performed upon said person by or under the direction of the superintendent of the institution in which he is confined, if such person be an inmate of any of the state institutions herein mentioned, or if he is not an inmate of any of said institutions, such operation shall be performed by or under the direction of the state board of eugenics. All such operations shall be performed with due regard for the physical condition of the person upon whom it is performed and in a safe and humane manner.

145.14 Consent defined. In case the person to be operated upon be feeble-minded or insane, the consent hereinbefore mentioned in section 145.13 shall be construed to mean the written consent of such person's legal guardian, or if such person has no legal guardian, then the written consent of such person's nearest known kin or personal friend within the state of Iowa, or if such person be insane, or feeble-minded, and has neither legal guardian nor known kin or personal friend within the state of Iowa, then the written consent of the guardian appointed by the court for such person as provided in this chapter.

145.15 Absence of consent. If any such person shall not consent, within twenty days from the service of such order upon him, to the performance of such operation, said board of eugenics, through its secretary, or other officer having charge of its records and files, within fifteen days thereafter, or such further time as the court or judge thereof may allow, shall file a transcript of its proceedings and of its said findings, conclusions, and order with reference to said person with the clerk of the district court of the county in which such person resides or may be found.

145.16 Appearance. Upon the filing of such findings, conclusions, and order, the clerk of the district court shall issue a summons directed to such person and deliver the same to the sheriff, together with a copy of such order prepared and certified by him and it shall be the duty of said sheriff to forthwith serve said summons and copy of order upon said person therein named, who shall be required, within twenty days after such service upon him, to enter his appearance in writing with the clerk of the district court in such case or by appearing in person before said clerk, who shall thereupon enter the appearance of such person in such proceeding. If he be an insane or feeble-minded person such appearance may be made by his guardian, if he have one; if not, then by his nearest of kin or near friend. If he be confined in an institution, facility shall be furnished him for making such appearance.

145.17 Court procedure. The issue thereby raised shall be whether the findings and conclusions of said board shall be affirmed by the court, and shall be tried in the district court of such county, as a special proceeding, in the same manner as a civil action at law in which the state shall be the plaintiff and the person so summoned shall be the defendant. Each party shall have the same rights as to production of evidence and the case shall be tried in the same manner as any other civil action. In all such cases the county attorney of the county where such proceedings are tried shall appear and prosecute such action on behalf of the state. If the defendant has no attorney and he is unable to secure one, the court shall appoint an attorney from the membership of the bar of said county to conduct his defense, and appeal, if any be taken as hereinafter provided, and such attorney shall be compensated by the state, upon order of the court. Upon the request of either party to such proceeding all questions of fact shall be tried by a jury and the court in every instance shall have the testimony fully reported at the expense of the state.

145.18 Judgment. If the findings and conclusions of the state board of eugenics shall be affirmed by the court, the defendant shall be immediately placed in custody by the sheriff of said county, and may be admitted to bail by the court, who shall fix the amount of such bail, and if not so admitted to bail, shall be held until the operation provided in such findings be performed.

145.19 Appeal. Either party to said proceedings may take an appeal from the district court to the supreme court of this state in the same manner and within the same time and with like effect as appeals in other civil actions are taken, and such case shall be tried in the supreme court in the same manner as other appeals in actions at law. If the defendant be represented by an attorney appointed by the court, and, in the opinion of the court, is financially unable to meet his part of the expense of an appeal, the defendant's actual and necessary expense of such appeal and prosecution thereof to final decree by the supreme court shall be paid by the state upon order of said district court, same to be paid out of the general funds of the state not otherwise appropriated.

145.20 Expenses. The state shall be liable under this chapter, except as hereinabove provided for, only for the actual traveling expenses of the members of the board incurred in the performance of their duties, and the actual and necessary expense incident to the investigations of said board either on original case or an appeal therefrom.

145.21 Selection of physician. Nothing in this chapter shall be construed to empower or authorize the state board of eugenics or its representatives, or the state health officer, or his representatives, or the superintendent of any of the institutions mentioned, or his representatives, to interfere in any manner with the individual's right to select the physician of his choice; provided, that such physician is in the judgment of the state board of eugenics competent to perform such operation; nor to interfere with the practice of any person whose religion treats or administers to the sick or

suffering by purely spiritual means; provided that such practice, treatment or administration shall not in any way interfere with the operation of this chapter, and the carrying out of its purposes.

145.22 Fee. A physician or surgeon, who is not in the employ of the state, shall receive a reasonable compensation for an operation performed hereunder, which compensation shall be paid from any funds in the state treasury not otherwise appropriated.

THE PRACTICE OF CERTAIN PROFESSIONS AFFECTING THE PUBLIC HEALTH BASIC SCIENCE LAW

146.1 Title. This chapter shall be known as the "Iowa Basic Science Law".

146.2 Definitions. 1. The basic sciences shall mean the following subjects: anatomy; physiology; chemistry; pathology; bacteriology; hygiene.

2. The practice of the healing art shall mean holding one's self out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition and who shall either offer or undertake, by any means or method, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition.

3. A license shall mean a certificate issued to a person licensed to practice certain professions affecting the public health as provided in this title.

146.3 Board established. There is hereby established a board of examiners in the basic sciences of six (6) members authorized and directed to conduct a written examination of all persons who shall hereafter apply for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic or any other system or method of healing that may hereafter be legalized in this state; said examination shall cover the six (6) following basic sciences, viz.: anatomy; physiology; chemistry; pathology; bacteriology; hygiene.

146.4 Examination required. No person shall hereafter* be eligible for examination or be permitted to take an examination for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic or any other system or method of healing that may be hereafter legalized in this state or be granted any such license until he has presented to the licensing board empowered to issue a license, a certificate of proficiency in the basic sciences as provided in this chapter. This requirement shall be in addition to all other requirements now or hereafter in effect with respect to the issuance of such license or licenses.

* Act effective July 4, 1935.

146.5 Exceptions. Nothing in this chapter shall be construed to apply to persons holding licenses as physicians and surgeons, osteopaths, osteopaths and surgeons or chiropractors at the time this chapter takes effect*; nor shall this chapter, at any time, be construed to apply to dentists, dental hygienists, nurses, pharmacists, optometrists, embalmers, podiatrists, barbers or cosmetologists practicing within the limits of their respective licenses or Christian Scientists. This chapter shall not apply to students regularly registered, enrolled and in attendance as of July 1, 1936, in accredited schools of medicine, osteopathy or chiropractic in the state of Iowa.

* Act effective July 4, 1935.

146.6 Appointment. The governor shall, with the approval of two-thirds of the senate in executive session, appoint a board of examiners in the basic sciences, hereinafter referred to as the "board", consisting of six members learned respectively in the basic sciences named herein from the faculties

of the universities and four year colleges accredited by the Iowa State Board of Educational Examiners, who shall be appointed two for two years, two for four years and two for six years from the dates of their respective appointments. On the expiration of the terms of any member the governor shall, with the approval of two-thirds of the senate in executive session, fill the vacancy or vacancies by appointment for a term of six years; on the death, resignation or removal of any member the governor shall, with the approval of two-thirds of the senate in executive session, fill the vacancy by appointment for the unexpired portion of the term. No member of the board shall hold a degree in any of the healing arts. Not more than one member of the board shall be appointed from the faculties of any one of the universities or four-year colleges described herein.

146.7 Meetings—powers. The board shall meet and organize, as soon as practicable, after appointment. It shall have power to elect officers from its members, to adopt a seal and to make such rules, in addition to the rules hereinafter specified, as it deems expedient to carry this chapter into effect. The board shall elect a chairman and secretary from its members.

146.8 Duties of secretary. The secretary of the board shall keep a correct record of the proceedings of said board and the questions submitted in the examination of the applicant, and the applicant's answers thereto, and upon the granting of a certificate of proficiency in the basic sciences shall, at the time of granting said certificate, certify to the state department of health the application upon which such certificate was issued, together with the questions submitted in the examination of such applicant and the answers thereto and such secretary shall deposit with the department of health all records not needed for the current use of his examining board.

146.9 Supplies. The state department of health shall furnish the board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies are obtained and the same shall be considered and accounted for as if obtained for the use of the department.

146.10 Offices. The executive council shall furnish the board with a suitable office and quarters in which to conduct the examinations held by said board at the seat of government.

146.11 Compensation and expenses. Each member of the board shall, in addition to necessary traveling and hotel expenses, receive ten dollars per day for each day actually engaged in the discharge of his duties, including compensation for the time spent in traveling to and from the place of conducting the examination, and for a reasonable number of days for the preparation of examination questions and the reading of papers, in addition to the time actually spent in conducting examinations. The compensation and expenses of the members and other expense of the board shall be paid out of the fees received from applicants.

146.12 Fees. The fee for examination or any re-examination by the board shall be ten dollars. The fee for the issuing of a certificate by authority of reciprocity, as provided herein, shall be ten dollars. All fees shall be paid to the secretary of the board by the applicant at the time of filing application. The secretary shall pay all money received as fees into the state treasury to be placed in a special fund to the credit of the board. The state treasurer shall pay out of such fund the compensation and expense of the members and other expenses incurred by the board on vouchers signed by the president and secretary of the board.

146.13 Applicants—qualifications. No person shall be eligible for examination for a certificate of proficiency in the basic sciences until he shall have furnished satisfactory evidence to the board that he has attained the age of twenty-one years, is of good moral character and is a graduate of

an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, to be determined by the board.

146.14 Applications for examination. Any person desiring to take the examination for a certificate of proficiency in the basic sciences shall make application to the board, at least fifteen days before the examination, on a form provided by the board. Such application shall be accompanied by the examination fee and such affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the board and shall be signed and verified by the oath of the applicant. Provided, that said application shall not contain questions to be answered by said applicant which will disclose the professional school he may have attended or what system of treating the sick he intends to pursue.

146.15 Examinations—notice of. The board shall give public notice of the time and place of all examinations to be held under this chapter and such notice shall be given in such manner as the board may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.

146.16 Examination—time—scope—passing grade. Said board shall meet at Des Moines and there conduct examinations in the basic sciences four times each year respectively, on the second Tuesday in January, April, July and October. The examination shall be conducted in writing in such manner that the applicant shall be known by number only until such examination papers are read and the proper grade determined. The examination shall be of such a nature as to constitute a reasonable test as to whether the person so examined has such knowledge of the elementary principles of the basic sciences as might be acquired after the completion of a course of study of the following subjects for the number of hours specified:

Subject	Hours	Subject	Hours
Anatomy	400	Pathology	160
Physiology	200	Bacteriology	100
Chemistry	200	Hygiene	40

The board shall establish rules for conducting of all examinations, grading of examinations and passing upon the technical qualifications of applicants as shown by such examinations. An applicant to pass the examination must obtain a grade of not less than seventy per cent in any one subject and a total average grade of seventy-five per cent in all subjects. If an applicant fails to attain the required grade in one or more subjects, he may be re-examined in the subject or subjects in which he failed, at any examination within one year without further application or examination fee. No part in the preparation of questions, the actual giving of examinations or the grading of papers can in any way be delegated to any person other than a member of the board, or other wise performed by any person not then a member of such board.

146.17 Quorum. Three members of the board shall constitute a quorum for conducting examinations.

146.18 Certificates. The board shall issue a certificate of proficiency in the basic sciences to each of the successful applicants after examination, as provided in this chapter.

146.19 Form. Each certificate of proficiency in the basic sciences shall be in the form prescribed by the board, under the name and seal of the board and signed by its chairman and secretary.

146.20 Waiver of examination. The board may, in its discretion, waive the examination and issue a certificate of proficiency in the basic sciences

provided for herein and may accept in lieu of examination proof that the applicant has passed before a board of examiners in the basic sciences or by whatsoever name it may be known or before any examining or licensing board in the healing art of any state, territory or other jurisdiction under the United States, or of any foreign country, an examination in anatomy, physiology, chemistry, pathology, bacteriology and hygiene as comprehensive and as exhaustive as that required under authority of this chapter.

146.21 Additional waivers. Upon presentation to said Board of Examiners of a certificate from any college or university accredited by the North Central Association of Secondary Schools and Colleges that the person seeking a certificate of proficiency under the provisions of this chapter has completed a course of study in one or more of said basic sciences of the number of hours provided for in section 146.16 of this chapter and has attained a grade of seventy-five per cent in said subject or subjects, the said Board of Examiners shall waive examination in said subject or subjects, and if said applicant shall have completed a course of study in all of said basic sciences of the number of hours provided for herein and has attained an average grade of seventy-five per cent in each of said subjects the Board of Examiners shall upon receipt of a certificate to that effect setting forth the grades of the applicant in each of said subjects as hereinbefore provided issue to said applicant a certificate of proficiency in the basic sciences as provided for under the Iowa Basic Science Law without further examination.

146.22 Misdemeanors. Any person who shall practice the healing art without first having obtained a certificate of proficiency in the basic sciences or violate or participate in the violation of any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. It shall be the duty of the attorney general and of the several county attorneys to prosecute violations of this chapter.

146.23 Discretion of boards. No provision of this chapter shall be construed as repealing any statutory provision in force at the time of its passage with reference to the requirements governing the issuing of licenses to practice the healing art, or any branch thereof, but any board authorized to issue licenses to practice the healing art, or any branch thereof, may, in its discretion, accept certificates issued by the board of examiners in the basic sciences in lieu of examining applicants in such sciences, or may continue to examine applicants in such sciences as heretofore.

GENERAL PROVISIONS

DEFINITIONS

147.1 Definitions. For the purpose of this and the following chapters of this title:

1. "Examining board" shall mean one of the boards appointed by the governor to give examinations to applicants for licenses.

2. "Licensed" when applied to a physician and surgeon, podiatrist, osteopath, osteopath and surgeon, chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, practitioner of cosmetology, practitioner of barbering, or embalmer shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, cosmetology, barbering, or embalming.

4. "Department" shall mean the state department of health.

LICENSES

147.2 License required. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, cosmetology, bar-

bering, or embalming as defined in the following chapters of this title, unless he shall have obtained from the state department of health a license for that purpose.

1. Magnetic healers, so-called, come within the provisions of the statute requiring a physician to procure a license.

State vs. Heath, 125-585; 101 NW 429.

2. One who practices without complying with this and following sections may not recover for his services.

Lynch vs. Kathman, 180-607; 163 NW 408.

Miller vs. City, 185-307; 170 NW 377.

Lyon vs. Leet, 199-1034; 202 NW 881.

Rader vs. Elliott, 181-156; 163 NW 406.

Rowe vs. Toon, 185-848; 169 NW 38.

147.3 Qualifications. No person shall be licensed to practice a profession under this title until he shall have furnished satisfactory evidence to the department that he has attained the age of twenty-one years and is of good moral character, except that women may be licensed as practitioners of cosmetology or dental hygienists, or men or women may be licensed as barbers, upon attaining the age of eighteen years.

147.4 Grounds for refusing. The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court.

This section applies to granting of a license to practice dentistry in the first instance and not to a renewal of license. Craven vs. B., 269 NW 801.

147.5 Form. Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the commissioner of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession. The number of the book and page containing the entry of said license in the office of the department shall be noted on the face of the license.

147.6 Certificate presumptive evidence. Every license issued under this title shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

When the question of license arises collaterally in a civil action between the physician and one who employs him, due qualification under the statute will be presumed and the burden will be upon him who denies such license.

Lacy vs. Kossuth Co., 106-16; 75 NW 689.

147.7 Display of license. Every person licensed under this title to practice a profession shall keep his license publicly displayed in the place in which he practices.

147.8 Record of licenses. The name, age, nativity, location, number of years of practice of the person to whom a license is issued to practice a profession, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department to be known as the registry book, and the same shall be open to public inspection.

147.9 Change of residence. When any person licensed to practice a profession under this title changes his residence he shall notify the department and such change shall be noted in the registry book.

147.10 Renewal. Every license to practice a profession shall expire on the thirtieth day of June following the date of issuance of such license, and shall be renewed annually upon application by the licensee, without examination. Application for such renewal shall be made in writing to the department accompanied by the legal fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. Every year the department shall notify each

licensee by mail of the expiration of his license. This section and section 147.11 shall not apply to dentists and dental hygienists.

147.11 Reinstatement. Any licensee who allows his license to lapse by failing to renew the same, as provided in section 147.10, may be reinstated without examination upon recommendation of the examining board for his profession and upon payment of the renewal fees then due.

EXAMINING BOARDS

147.12 Examining boards. For the purpose of giving examinations to applicants for licenses to practice the professions for which a license is required by this title, the governor shall appoint a board of examiners for each of said professions.

147.13 Designation of boards. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, Medical Examiners; for podiatry, Podiatry Examiners; for osteopathy and osteopathy and surgery, Osteopathic Examiners; for chiropractic, Chiropractic Examiners; for nursing, Nurse Examiners; for dentistry and dental hygiene, Dental Examiners; for optometry, Optometry Examiners; for cosmetology, Cosmetology Examiners; for barbering, Barber Examiners; for pharmacy, Pharmacy Examiners; for embalming, Embalmer Examiners.

147.14 Composition of boards. Each examining board shall consist of three members, except the dental and nurse boards, each of which shall consist of five members.

147.15 Professional qualifications. Every medical, podiatry, chiropractic, nurse, optometry, pharmacy, cosmetology, barbering, and embalmer examiner shall be a person licensed to practice the profession for which the board, of which he is a member, conducts examinations for licenses to practice such professions. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and a dental examiner shall be a licensed dentist.

147.16 Practice requirement for examiners. Each examiner shall be actively engaged in the practice of his profession and shall have been so engaged in this state for a period of five years just preceding his appointment.

147.17 Qualifications for medical examiners. In addition to the preceding requirements, each medical examiner shall be a graduate of some reputable school of medicine and not more than two of such examiners shall belong to the same school of medical practice.

147.18 Disqualifications. No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title is taught, or be connected therewith in any manner, and no embalmer or optometry examiner shall be connected in any manner with any wholesale or jobbing house dealing in optical or embalming supplies, and no cosmetology examiner shall be connected with any wholesale or jobbing house dealing in supplies sold to practitioners of cosmetology, and no barber examiner shall be connected with any wholesale or jobbing house dealing in supplies sold to practitioners of barbering, providing, however, that the foregoing shall not apply to nurse examiners.

147.19 Term. The members of each examining board shall be appointed for a term of three years, except the dental and nurse examiners who shall be appointed for a term of five years. The term of each examiner shall commence on July 1st in the year of appointment and the terms of the members of each board shall be rotated in such a manner that one examiner shall retire each year.

147.20 Nomination of examiners. The regular state association or society or its managing board for each profession may submit each year to the

governor a list of six persons of recognized ability in such profession, who have the qualifications prescribed for examiners for that particular profession. If such list is submitted, the governor in making an appointment to the board of examiners for such profession shall select one of the persons so named.

147.21 Vacancies. Any vacancy in the membership of an examining board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

147.22 Officers. Each examining board shall organize annually and shall select a chairman and a secretary from its own membership.

147.23 Transaction of business by mail. Each examining board shall, as far as practicable, provide by rule for the conducting of its business by mail, but all examinations shall be conducted in person by the board or by some representative of the board as provided in section 147.39. Any official action or vote taken by mail shall be preserved by the secretary in the same manner as the minutes of regular meetings.

147.24 Compensation. Each member of an examining board shall, in addition to necessary traveling and hotel expenses, receive ten dollars per day for each day actually engaged in the discharge of his duties, including compensation for the time spent in traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination questions and the reading of papers, in addition to the time actually spent in conducting examinations.

147.25 Appropriation. There is hereby annually appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay the compensation and expenses of the members of each examining board, inspectors and clerical assistants for each such board.

147.26 Supplies. The department shall furnish each examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department. When examinations are held at the state university, the necessary articles and supplies for conducting the same shall be furnished by the university authorities.

147.27 Quarters. The executive council shall furnish each examining board with suitable quarters in which to conduct the examinations held by said board at the seat of government. When examinations are held at the state university, the superintendent of buildings and grounds shall furnish such quarters.

8.13 Claims—limitations. The state comptroller shall be limited in authorizing the payment of claims, as follows:

1. Three months' limit. No claim shall be allowed by the state comptroller's office when such claim is presented after the lapse of three months from its accrual.

2. Convention expenses. No claims for expenses in attending conventions, meetings, conferences or gatherings of members of any association or society, organized and existing as quasi-public association or society outside the state of Iowa shall be allowed at public expense, unless authorized by the executive council; and the claims for such expenses outside of the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, showing that such expense was authorized by said council. This section shall not apply to claims in favor of the governor, attorney general, Iowa state commerce commissioners, or to trips referred to in section 217.10.

3. Payment from fees. No claims for per diem and expenses payable from fees shall be approved by payment in excess of such fees where the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

147.28 National organization. Each examining board may maintain a membership in the national organization of the state examining boards of its profession.

There is hereby annually appropriated out of the funds in the state treasury not otherwise appropriated, a sum sufficient to pay the fees necessary for each such state examining board to maintain membership in its national organization, but such sums shall not exceed two hundred dollars for any year. The amount of said fees shall be certified to the state comptroller by the commissioner of public health and the comptroller is hereby authorized to draw warrants and the treasurer of state to pay same for this purpose.

EXAMINATIONS

147.29 Applications. Any person desiring to take the examination for a license to practice a profession shall make application to the state department of health at least fifteen days before the examination, on a form provided by the department. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the department and shall be signed and verified by the oath of the applicant.

147.30 Time and place of examinations. The department shall give public notice of the time and place of all examinations to be held under this title. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.

147.31 Accredited high schools. The department shall prepare and keep up to date a list of accredited high schools and other secondary schools for the purpose of passing upon the qualifications of an applicant for an examination when such applicant is required by any provision of this title to be a graduate of such school. The secretary of the state board of education and the registrars of the state university, the state college of agriculture and mechanic arts, and the state teachers college shall supply the necessary data to the department for the preparation of said list.

147.32 Accredited colleges. The state department of health shall prepare and keep up to date a list of accredited colleges in which are taught the professions which are regulated by this title. The examining board for each profession shall make recommendations relative thereto and shall approve the list for the professions for which it gives license examinations. No such school shall be accredited by the department unless it has been so recommended and approved by the proper examining board together with the commissioner of health. Such recommendations and approval shall be made at some regular session of the board held for the purpose of giving an examination.

147.33 Professional schools. As a basis for such action on the part of the examining board, the registrar of the state university and the dean of the professional school of said institution which teaches the profession for which said board gives license examinations, shall supply such data relative to any such professional school as said board may request.

147.34 Time of examination. Each examining board shall hold regular sessions for the purpose of giving examinations at such times as the department may fix, not to exceed four in any one year. The medical examiners, dental examiners, and pharmacy examiners shall hold a similar session at

the state university at the close of each school year to give examinations to students of the medical, dental, and pharmacy colleges of said institution and to other applicants who are qualified to take the same. In case there are other schools located in the state at which any of the professions regulated by this title are taught, two of the examinations for the profession taught at any such school may be held each year at such institution, if the examining board for that profession so desires. All other sessions of the examining boards shall be held at the seat of government unless otherwise ordered by the department.

147.35 Names of eligible candidates. Prior to each examination the department shall transmit to each examining board the list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any examining board, or any member thereof, for information relative to the eligibility of any applicant.

147.36 Rules. Each examining board shall establish rules for:

1. The conducting of examinations.
2. The grading of examinations and passing upon the technical qualifications of applicants as shown by such examinations.

147.37 Identity of candidates concealed. All examinations in theory shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

147.38 Quorum and representation. Two members of each board, except the dental board, shall constitute a quorum for conducting examinations but in the case of the medical examiners a quorum shall consist of one member from each school of medical practice represented on said board. Three members of the dental board shall constitute a quorum for conducting examinations.

147.39 Clerk. Upon the request of any examining board, the department shall detail some employee to act as clerk of any examination given by said examining board. Such clerk shall have charge of the candidates during the examination and perform such other duties as the examining board may direct. If the duties of such clerk are performed away from the seat of government, he shall receive his necessary railroad and hotel expenses, which shall be paid from the appropriations to the department in the same manner in which other similar expenses are paid.

147.40 Certification of applicants. Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board. After each examination, the examining board shall certify the names of the successful applicants to the state department of health in the manner prescribed by it. The department shall then issue the proper license and make the required entry in the registry book.

147.41 Partial examinations. Any examining board may give a partial examination for a license to practice a profession to any applicant who has completed a portion of his professional course. For such purpose said board shall establish by rule:

1. The portion of such course which shall be completed prior to such examination.
2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of his professional course and prior to the issuance of his license, but the subjects covered in the partial and final examinations shall be the same as those specified in this title for the regular examination.

147.42 Rules relative to partial examinations. In case any examining board shall provide for partial examinations under section 147.41, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.
2. The credentials which shall be presented to the department by an applicant showing his qualifications to take such examination.
3. The method of certifying the list of the eligible applicants for such examination to the proper examining board.
4. The method of certifying back to the department the list of applicants who successfully pass such examination.
5. The method of keeping the records for such applicants for use at the time of completing the examination for a license.
6. The credentials which shall be presented to the department by such an applicant upon the completion of his professional course.
7. The method of certifying such applicant to the proper examining board for the remainder of his examination.
8. Such other matters of procedure as are necessary to carry into effect the preceding section.

147.43 Preservation of records. All matters connected with each examination for a license shall be filed with the state department of health and preserved for five years as a part of the records of the department, during which time said records shall be open to public inspection.

RECIPROCAL LICENSES

147.44 Agreements. For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this title, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 147.45 and with which this state does not have an existing agreement at the time of such certification.

147.45 States entitled to reciprocal relations. The department shall at least once each year lay before the proper examining board the requirements of the several states for a license to practice the profession for which such examining board conducts examinations for licenses in this state. Said examining board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which said examining board desires this state to enter into reciprocal relations.

Reciprocal relations may be maintained only with state having substantially same requirements as this state.

Opinion Atty. Gen., October 1, 1935.

147.46 Reciprocal agreements. In negotiating any reciprocal agreement, the department shall be governed by the following regulations:

1. Protection to licensees of this state. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this title which affects the right of said person to be licensed or to practice his profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

2. Special conditions. When any examining board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in section 147.47, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice the professions for which such examining board conducts examinations.

147.47 Special conditions. An examining board shall have power to pro-

vide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which such examining board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that he has been actively engaged in the practice of his profession for a certain period of years to be fixed by such examining board.

2. Pass a practical examination in the practice of his particular profession as prescribed by such examining board.

" * * * a reciprocal agreement might be entered into by the board of nurses examiners which would grant reciprocity only to those nurses who have attained the training and who have passed in an examination equal to the requirements now enforced in the state of Iowa and they might deny reciprocity to all nurses who cannot meet this requirement."

Opinion Atty. Gen., May 20, 1929.

147.48 Termination of agreements. When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the proper examining board and certified to the department for its guidance in enforcing the provisions of this section.

147.49 License of another state. The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the examining board for such profession, license said applicant to practice in this state, unless under the rules of said examining board a practical examination is required in such cases.

147.50 Practical examinations. If the rules of any examining board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of his profession, then such applicant shall make application therefor to the department upon a form provided by it.

147.51 Applicability of other provisions. All the provisions of this chapter relative to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for practical examinations.

147.52 Reciprocity. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this title is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

147.53 Power to adopt rule. The department and each examining board shall have power to establish the necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

147.54 Change of residence. Any licensee who is desirous of changing his residence to that of another state or territory shall upon application to the department, and payment of the legal fee, receive a certified statement that he is a duly licensed practitioner in this state.

REVOCATION OF LICENSES

147.55 Grounds. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring his license.
2. Incompetency in the practice of his profession.
3. Immoral, unprofessional or dishonorable conduct.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of an offense involving turpitude.
6. Fraud in representations as to skill and ability.
7. Use of untruthful or improbable statements in advertisements. This shall not be construed as permitting dentists or dental hygienists to advertise their services or products, contrary to the other provisions of this title relative thereto.
8. Distribution of intoxicating liquors or drugs for any other than lawful purposes.
9. Wilful or repeated violations of this title, the title on "Public Health", of the rules of the state department of health.
10. Continued practice while knowingly having an infectious or contagious disease.

147.56 Unprofessional conduct. For the purposes of section 147.55 "unprofessional conduct" shall consist of any of the following acts:

1. Solicitation of professional patronage by agents or persons popularly known as "cappers" or "steerers", or profiting by the acts of those representing themselves to be agents of the licensee.
2. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.
3. Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court.
4. Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or his legal representative.
5. Advertisement of any medicine or means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.
6. Procurement or aiding or abetting in the procurement of a criminal abortion.
7. Wilful betrayal of a professional secret.
8. Wilful neglect of a patient in a critical condition and as to dentists and dental hygienists "unprofessional conduct" shall also consist of any of the acts denominated as such in the other provisions of this title relating to dentists and dental hygienists.

A division of money received from sale of prescriptions by a licensed pharmacist with a licensed physician constitutes unprofessional conduct and constitutes a ground for revocation of pharmacist's license.

Opinion Atty. Gen., November 22, 1934.

147.57 Dental hygienist and dentist. The practice of dentistry, by a dental hygienist shall also be grounds for the revocation of her license, and the permitting of such practice by the dentist under whose provisions said dental hygienist is operating shall be grounds for revoking the license of said dentist.

147.58 Jurisdiction of revocation. The district court of the county in which a licensee resides shall have jurisdiction of the proceeding to revoke or suspend his license.

147.59 Petition for revocation. The petition for the revocation or suspension of a license may be filed by the attorney general in all cases. Said petition shall be filed in the office of the clerk of the district court having jurisdiction.

147.60 Duty of department. The state department of health shall direct the attorney general to file such petition against any licensee upon its own motion, or it may give such direction upon the sworn information of some person who resides in the county wherein the licensee practices.

147.61 Attorney general and county attorney. The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

147.62 Rules governing petition. The following rules shall govern the petition in such cases:

1. The state shall be named as plaintiff and the licensee as defendant.
2. The charges against the licensee shall be stated in full.
3. Amendments may be made as in ordinary actions.
4. All allegations shall be deemed denied but the licensee may plead thereto if he desires.

147.63 Trial. Upon the presentation of the petition, or a copy thereof, to the court, or judge, he shall make an order fixing the time and place for the hearing, which shall be not less than ten nor more than twenty days thereafter.

147.64 Notice. Notice of the filing of such petition and of the time and place of hearing shall be served upon the licensee at least ten days before said hearing in the manner required for the service of notice of the commencement of an ordinary action.

147.65 Nature of action—when triable. The proceeding shall be summary in its nature, triable as an equitable action, and may be heard either in vacation or term time.

In an equitable action to revoke license of a physician, defendant may not base claim of error on the fact that, over his objections, the court permitted witnesses for state to expose themselves to public disgrace and ignominy by their testimony.

State vs. Knight, 204 Ia. 819, 216 NW 104.

147.66 Judgment. Judgment of revocation or suspension of the license shall be entered of record and the licensee shall not engage in the practice of his profession after his license is revoked or during the time for which it is suspended. The clerk of court shall, upon the entry of such judgment, forthwith furnish the state department of health with a certified copy thereof.

147.67 Default. In case the licensee fails to appear, either in person or by counsel at the time and place designated in said notice, the court, after receiving satisfactory evidence of the truth of the charges, shall order the license revoked or suspended.

147.68 Costs. If the judgment is adverse to the licensee the costs shall be taxed to him as in ordinary civil actions, but if the state is the unsuccessful party the costs shall be paid out of any money in the state treasury not otherwise appropriated.

147.69 Unpaid costs. All costs accrued at the instance of the state when the successful party, which the attorney general certifies cannot be collected from the defendant, shall be paid out of any money in the state treasury not otherwise appropriated.

147.70 Hearing on appeal. Both parties shall have the right of appeal, and in such event, the supreme court shall fix the time of hearing, and for filing abstracts and arguments. Said cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstracts and arguments are filed in said court in time for said action to be heard.

147.71 Effect of appeal. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore the right of said defendant to practice his profession pending such appeal.

INTOXICATING LIQUORS—NARCOTICS—REVOCATION OF LICENSES

130.39 Conviction in federal courts. When a physician or pharmacist licensed under the laws of this state, is convicted in any federal court of this state of a violation of the federal statutes or regulations relating to intoxicating liquors, or to narcotics, and said judgment has become final, the county attorney of the county where said physician or pharmacist resides shall forthwith file in the office of the clerk of the district court of said county a duly certified copy of said judgment and thereupon said district court, or a judge thereof, shall, on such notice to the defendant in said judgment as the court or judge may prescribe, enter an order suspending for a period of not less than one year nor more than five years the license of such physician or pharmacist to practice his profession in this state. In such proceeding the county attorney shall appear on behalf of the state.

USE OF TITLES AND DEGREES

147.72 Professional titles and abbreviations. Any person licensed to practice a profession under this title may append to his name any recognized title or abbreviation, which he is entitled to use, to designate his particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise himself in such a manner as to lead the public to believe that he is engaged in the practice of any other profession than the one which he is licensed to practice.

147.73 Titles used by holder of degree. Nothing in section 147.72 shall be construed:

1. As authorizing any person licensed to practice a profession under this title to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency, from using the title which such degree authorizes him to use, but he shall not use such degree or abbreviation in any manner which might mislead the public as to his qualifications to treat human ailments.

147.74 False representation. Any person who falsely holds himself out by the use of any professional title or abbreviation, either in writing, cards, signs, circulars, or advertisements, to be a practitioner of a system of the healing arts other than the one under which he holds a license or who fails to use the following designations shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or be sentenced to thirty days in jail.

A physician or surgeon may precede his name with the title "Doctor", and shall add after his name the letters, "M. D."

An osteopath or osteopathic surgeon may use the prefix "Doctor", but shall add after his name the letters, "D. O." or "O. S." as the case may be or the words, "osteopath" or "osteopathic surgeon".

A chiropractor may use the prefix "Doctor", but shall add after his name the letters, "D. C." or the word "Chiropractor".

A dentist may use the prefix "Doctor" but shall add after his name the letters, "D. D. S." or the word "Dentist" or "Dental Surgeon".

A podiatrist may use the prefix "Dr." but shall add after his name the word "Podiatrist".

Any graduate of a school accredited on the board of optometric examiners may use the prefix "Doctor" but shall add after his name the letters "Opt." or "Optometrist".

No other practitioner licensed to practice his profession under any of the provisions of this title shall be entitled to use the prefix "Dr." or "Doctor".

ITINERANTS

147.75 Defined. "Itinerant physician", "itinerant osteopath", "itinerant chiropractor", "itinerant optometrist", "itinerant cosmetologist" as used in the following sections of this title shall mean any person engaged in the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, optometry, or cosmetology, as defined in the chapter relative to the practice of said professions, who, by himself, agent, or employee goes from place to place, or from house to house, or by circulars, letters, or advertisements, solicits persons to meet him for professional treatment at places other than his office maintained at the place of his residence.

147.76 License required. Every itinerant physician, itinerant osteopath, itinerant chiropractor, itinerant optometrist, or itinerant cosmetologist shall, in addition to his regular license to practice his profession, procure from the state department of health a license to practice as an itinerant.

An itinerant physician licensed by the medical examiners to practice within the state may be required by city ordinance to pay an additional license fee for practicing within the city.

Fairfield vs. Shallenberger, 135-615; 113 NW 459.

147.77 Issuance. Upon receipt of an application from a licensed physician and surgeon, licensed osteopath, licensed osteopath and surgeon, licensed chiropractor, or licensed optometrist, for an itinerant's license, accompanied by the legal fee, the department shall issue to the applicant, when the provisions of this title have been complied with, a license to practice as an itinerant physician and surgeon, itinerant osteopath, itinerant osteopath and surgeon, itinerant chiropractor, itinerant optometrist or itinerant cosmetologist, as the case may be, for a period of one year.

147.78 Exception. Sections 147.75 to 147.77, inclusive, shall not be construed to prevent any physician and surgeon, osteopath, osteopath and surgeon, chiropractor, or optometrist, otherwise legally qualified, from attending patients in any part of the state to which he may be called in the regular course of business, or in consultation with other practitioners.

147.79 Refusal or revocation. The department may, for satisfactory reasons, refuse to issue an itinerant's license or may revoke such license upon satisfactory evidence of incompetency or gross immorality.

FEES

147.80 License—examination—renewal fees. The following fees shall be collected by the state department of health:

1. For a license to practice medicine and surgery, osteopathy and surgery, and dentistry, issued upon the basis of an examination given by an examining board, twenty-five dollars.

2. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, fifty dollars.

3. For a license to practice podiatry, osteopathy, chiropractic, and optometry, issued upon the basis of an examination given by an examining board, twenty dollars.

4. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, forty dollars.

5. For a license to practice nursing, dental hygiene, pharmacy, cosmetology, barbering, and embalming, issued upon the basis of an examination given by an examining board, ten dollars.

6. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, twenty dollars.

7. For the renewal of a license to practice any of the professions enumerated in the preceding paragraphs, one dollar, except the renewal fee of a license to practice barbering or cosmetology shall be three dollars.

8. For a license to practice as an itinerant physician and surgeon, itinerant osteopath, itinerant osteopath and surgeon, itinerant chiropractor, or itinerant optometrist, two hundred fifty dollars.

9. For a certified statement that a licensee is licensed in this state, five dollars.

10. For an examination to determine whether an applicant has the educational attainments of a high school graduate, five dollars.

11. For a license to conduct a school teaching cosmetology, an annual fee of one hundred dollars.

12. For a license to practice as an itinerant cosmetologist, in addition to any other fee required of cosmetologists, one hundred dollars.

13. For a permit to practice as an apprentice in cosmetology, one dollar.

14. For a license to conduct a school of barbering, an annual fee of twenty-five dollars.

15. For transfer of license upon change of ownership of a barber shop or barber school, a fee of one dollar.

147.81 Second examination. Any applicant for a license who fails in his examination shall be entitled to a second examination without further fee at any time within a period of fourteen months after the first examination.

147.82 Fees paid into treasury. All fees collected under this chapter shall be paid into the state treasury.

VIOLATIONS—CRIMES—PUNISHMENT

147.83 Injunction. Any person engaging in any business or in the practice of any profession for which a license is required by this title without such license may be restrained by permanent injunction.

State is entitled to an injunction even though defendant physician should suddenly desist and should profess repentance.

State vs. Fray, 214 Ia. 53, 241 NW 663, 81 ALR 286; State vs. Howard, 214 Ia. 60; 241 NW 682.

147.84 Forgeries. Any person who shall file or attempt to file with the state department of health any false or forged diploma, or certificate or affidavit of identification or qualification, shall be guilty of forgery and punished accordingly.

147.85 Fraud. Any person who shall present to the department a diploma or certificate of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been issued by said department shall be punished as provided in section 147.86.

147.86 Penalties. Any person violating any provision of this or the following chapters of this title, except insofar as said provisions apply or relate to or affect the practice of pharmacy, of cosmetology and of barbering, shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months or by both such fine and imprisonment.

Provisions of 147.86 relating to fine and imprisonment have no application to unprofessional conduct of dentist by way of advertising under section 153.25.

Craven vs. B., 269 NW 801.

ENFORCEMENT PROVISIONS

147.87 Enforcement. The state department of health shall enforce the provisions of this and the following chapters of this title and for that purpose shall make necessary investigations relative thereto. Every licensee and member of an examining board shall furnish the department such evidence

as he may have relative to any alleged violation which is being investigated.

147.88 Department inspector and assistant. There is hereby created the position of health department inspector and assistant who shall be attached to the state department of health and who shall be appointed by the commissioner of health of the state of Iowa. The health department inspector's duties shall consist of investigating all violations of this title, securing all available evidence and reporting to the department of health.

147.89 Report of violators. Every licensee and member of an examining board shall report, also, to the department the name of every person, without a license, that he has reason to believe is engaged in:

1. Practicing any profession for which a license is required.
2. Operating as an itinerant practitioner of such profession.

147.90 Rules and forms. The state department of health shall establish the necessary rules and forms for carrying out the duties imposed upon it by the provisions of this and the following chapters of this title.

147.91 Publications. The department shall have printed in pamphlet form for each profession the following matter which is pertinent to the particular profession for which such pamphlet is published:

1. The law regulating the practice of the profession.
2. The rules of the department relative to licenses.
3. The rules of the examining board relative to examinations.

Such pamphlet shall be supplied to any person applying for the same.

147.92 Attorney general and county attorney. Upon request of the state department of health the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this title and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

147.93 Prima facie evidence. The opening of an office or place of business for the practice of any profession for which a license is required by this title, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

1. Corporation maintaining and equipping dental offices and advertising under corporate name held to be engaged in practice of dentistry in violation of statutes requiring license therefor.

State vs. Bailey Dental Co., 211 Ia. 781, 234 NW 260.

2. Corporation doing business as department of large store in name of store but with license in name of employee leasing department from corporation, held guilty of practice of optometry without license.

State vs. Kindy Optical Co., 216 Ia. 1157, 248 NW 332.

EXCEPTIONS

147.94 Pharmacists. The provisions of this chapter relative to the making of application for a license, the issuance of a license, the negotiation of reciprocal agreements for recognition of foreign licenses, the collection of license and renewal fees, and the preservation of records shall not apply to the licensing of persons to practice pharmacy, but such licensing shall be governed by the following regulations:

1. Every application for a license to practice pharmacy shall be made direct to the secretary of the Pharmacy Examiners.
2. Such license and the renewals thereof shall be issued by said examiners.
3. Every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by said examiners.
4. All license and renewal fees exacted from persons licensed to practice

pharmacy shall be paid to and collected by the secretary of the Pharmacy Examiners.

5. All records in connection with the licensing of pharmacists shall be kept by said secretary.

147.95 Enforcement. The provisions of this title in so far as they affect the practice of pharmacy shall be enforced by the Pharmacy Examiners and the provisions of sections 147.87, 147.88 and 147.89 shall not apply to said profession.

147.96 Pharmacy Examiners. In discharging the duties and exercising the powers provided for in sections 147.94 and 147.95 the Pharmacy Examiners and their secretary shall be governed by all the provisions of this chapter which govern the department of health when discharging a similar duty or exercising a similar power with reference to any of the professions regulated by this title.

147.97 Penalties. Any person violating any provisions of this or the following chapters of this title when said provisions apply or relate to or affect the practice of pharmacy shall be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned not more than thirty days in the county jail.

147.98 Secretary of Pharmacy Examiners. The Pharmacy Examiners shall have the right to employ a full time secretary, who shall not be a member of the examining board, at such compensation as may be fixed from time to time in the biennial salary act and the provisions of section 147.22 providing for a secretary for each examining board shall not apply to the Pharmacy Examiners.

147.99 Duties of secretary. The secretary of the Pharmacy Examiners shall, upon the direction of said examiners, make inspections of alleged violations of the provisions of this title relative to the practice of pharmacy and of chapters 203, 204 and 205. Said secretary shall be allowed his necessary traveling and hotel expenses in making such inspections.

147.100 Renewal fee. The secretary of the Pharmacy Examiners shall annually add one dollar to the renewal fee provided in this chapter for a person licensed to practice pharmacy. Such additional amount shall be considered as a part of the regular renewal fee and payment of the same shall be a prerequisite to the renewal of his license. The funds derived from the additional renewal fee collected under this section shall be paid to the state pharmacy association upon the order of its treasurer and secretary. Said funds shall be used by such association in the advancement of the art and science of pharmacy.

147.101 Association fee collected. The state department of health shall annually add four dollars to the renewal fee provided for in subsection seven of section 147.80, for one licensed to practice embalming, and such additional moneys shall be accepted as part of the regular renewal fee. The payment of the same shall be prerequisite to the renewal of such licenses. The funds derived by the state department of health from the additional renewal fees collected under this section in behalf of the profession of embalming shall be paid to the board of embalming examiners at such time as said board of embalming examiners or the Iowa funeral directors association conducts a state-wide educational meeting for its members, in such amounts as are necessary for such said meeting only and such funds so collected by the state department of health shall be used for the advancement of the arts and sciences of the embalming profession.

147.102 Chiropractors and osteopaths. Notwithstanding the provisions of this title, every application for a license to practice chiropractic, osteopathy, or osteopathy and surgery, shall be made direct to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated

by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, which secretary shall turn the same over to the department of health on the first day of January, 1925, and quarterly thereafter.

147.103 Clerical help and supplies. Subject to the approval of the executive council, the examining boards for chiropractic, osteopathy and osteopathy and surgery, may employ such clerical assistance as may be necessary to enable said boards to perform the duties imposed upon them by law. Payment for such assistance shall be made out of the appropriation provided for in section 147.25. The executive council shall also furnish said boards with the necessary quarters and all articles and supplies required for the public use, and the provisions of section 147.26 shall not apply to said boards.

147.104 Records. The secretary of each of said boards shall keep a correct record of the proceedings of said board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting said license, certify to the department of health the application upon which such license was issued, together with the questions submitted in the examination of such applicant and the answers thereto, and such secretary shall deposit with the department of health all records not needed for the current use of his examining board.

NURSE EXAMINERS

147.105 Secretary. The board of nurse examiners is authorized to appoint a full-time secretary who shall not be a member of the board, and the provisions of section 147.22 which provides for a secretary for each examining board shall not apply to this board.

147.106 Duties. All records which pertain to the licensing of nurses in this state shall be kept by the secretary who shall keep a record of all proceedings of the board of nurse examiners and perform such further duties as the board shall generally or specifically determine.

147.107 Applications—reciprocal agreements—fees. Every application for a license to practice nursing in this state shall be made direct to the secretary of the board of nurse examiners, and upon the granting of any such license the secretary shall certify to the department of health that such license has been granted. Every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the board. All examination, license and renewal fees received from such persons licensed to practice nursing shall be paid to and collected by the secretary of the board, who shall remit to the treasurer of state quarterly all fees collected, and at the same time render to the state comptroller an itemized and verified report showing the source from which said fees were obtained. All such fees collected and remitted shall be placed in a special fund by the treasurer of state and the state comptroller to be known as the "Nurses' fund", to be used by the board to administer and enforce the laws relating to the practice of nursing, to elevate the standards of schools of nursing, and to promote the educational and professional standards of nurses and nursing in this state, and no part of such expense shall be paid out of the state treasury. Any remainder in said funds at the end of each fiscal year after all expense in carrying out the provisions of sections 147.105 and 147.110, inclusive, have been paid, or a sum sufficient for payment thereof set apart, shall be paid into the general fund of the state. Said fund shall be subject at all times to the warrant of the state comptroller, drawn upon written requisition of the chairman of the board and attested by the secretary, for the payment of all salaries and other expenses necessary to carry out the provisions of said sections, but in no event shall the total expenses therefor exceed the total fees collected and deposited to the credit of said fund.

147.108 Assistants—payment. Subject to the approval of the commissioner of public health, the board may appoint such assistants and inspectors as may be necessary to properly administer and enforce the provisions of sections 147.105 to 147.110, inclusive. They shall perform such duties as the board shall assign to them. The amount of salary or compensation of the secretary and such appointees shall be fixed by the executive council.

147.109 Enforcement—applicable statutes. The provisions of this title insofar as they affect the practice of nursing shall be enforced by the board of nurse examiners, and the provisions of sections 147.87, 147.88 and 147.89 shall not apply to said profession. In discharging the duties and exercising the powers provided for in sections 147.105 to 147.110, inclusive, the board and its secretary shall be governed by all the provisions of law which govern the department of health when discharging a similar duty or exercising a similar power that pertains to the nursing profession.

147.110 Interpretation. No provision of law in conflict with any provision of sections 147.105 to 147.109, inclusive, shall have any effect thereon or upon the rights of any person licensed under this title.

WOUNDS BY CRIMINAL VIOLENCE

147.111 Report of treatment of wounds. Any person licensed under the provisions of this title, who shall administer any treatment to any person suffering an injury of violence, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such injury of violence, shall at once but not later than twelve hours thereafter, report said fact to the sheriff of the county in which said treatment was administered or an application therefor was made, stating therein the name of such person, his residence if ascertainable, and giving a brief description of the injury. Any provision of law or rule of evidence relative to confidential communications is suspended in so far as the provisions hereof are concerned.

147.112 Violations. Any person failing to make the report required herein shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred dollars.

PRACTICE OF MEDICINE AND SURGERY

148.1 Persons engaged in. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery:

1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.

2. Persons who prescribe, or prescribe and furnish medicine for human ailments or treat the same by surgery.

3. Persons who act as representatives of any person in doing any of the things mentioned in this section.

a. One who publicly professes to assume the duties incident to the practice of medicine is practicing medicine even though treatment prescribed or applied consists solely of laying hands of practitioner upon the body of person treated.

State vs. Hughey, 208 Ia. 842, 226 NW 371.

b. A person, owning and operating a hospital, is practicing medicine when he furnishes a carefully guarded secret medical formula, possessed, and compounded by himself, to be prescribed for, and administered to, patients by attendants who are not licensed physicians; and this is true even though licensed physicians are employed to diagnose ailments of patients.

State vs. Baker, 212 Ia. 571, 235 NW 313.

c. Person preparing a secret medicine for treatment of cancer and having it administered in an institute owned by him, held guilty of practicing medicine without a license, though he had licensed physicians diagnose the ailments of patients. Id.

d. The right of one, neither a pharmacist nor licensed physician, to manufacture and sell a proprietary medicine neither permits nor authorizes such proprietor to prescribe or administer the same to patients. *Id.*

e. One practicing naprapathy is practicing medicine and surgery. *State vs. Howard*, 216 Ia. 545, 245 NW 871.

f. Statute gives no recognition to naprapathy, and no recognition can be given to it by courts or administrative officers. *Id.*

148.2 Persons not required to qualify. Section 148.1 shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.

2. Persons who advertise, sell or prescribe natural mineral waters flowing from wells or springs.

3. Students of medicine or surgery who have completed at least two years' study in a medical school, approved by the medical examiners, and who prescribe medicine under the supervision of a licensed physician and surgeon, or who render gratuitous service to persons in case of emergency.

4. Licensed podiatrists, osteopaths, osteopaths and surgeons, chiropractors, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon licensed in this state.

1. The exemption of students of medicine, surgery, or obstetrics having prescribed but limited qualifications, and prescribing under the supervision of preceptors, does not embrace one who is engaged in healing the sick and who, on various occasions, consults with and receives medical advice from other duly authorized practitioners.

State vs. Collins, 178-78; 159 NW 604.

2. Prosecutions for the enforcement of the laws regulatory of the practice of medicine and surgery may be instituted without any authority from the State Department of Health.

State vs. Heuser, 205-182; 215 NW 643.

148.3 Requirements for license. Each applicant for a license to practice medicine shall:

1. Present a diploma issued by a medical college approved by the Medical Examiners.

2. Pass an examination prescribed by the Medical Examiners in the subjects of anatomy, chemistry, physiology, materia medica and therapeutics, obstetrics, pathology, theory and practice, and surgery; but in the subjects of materia medica and therapeutics, and theory and practice, each applicant shall be examined in accordance with the teachings of the school of medicine which he desires to practice.

3. Present to the state department of health satisfactory evidence that applicant has completed one year of internship in a hospital approved by the state board of Medical Examiners. No hospital shall be approved which does not provide the internship without expense to the interne.

1. The general assembly having declared the subjects in which those who undertake to practice the healing art shall be proficient, the courts will not interfere to excuse from the requirements of the statute.

State vs. Adkins, 145-671; 124 NW 627.

2. All who hold themselves out to heal the sick, regardless of the particular school according to which they practice, are to be examined in anatomy, physiology, general chemistry, pathology, surgery and obstetrics.

State vs. Heath, 125-585; 101 NW 429.

148.4 Certificates of national board. The state department of health may, with the approval of the Medical Examiners, accept in lieu of the examination prescribed in section 148.3 a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed for licenses issued under reciprocal agreements.

PRACTICE OF PODIATRY

149.1 Persons engaged in practice. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of podiatry:

1. Persons who publicly profess to be podiatrists or who publicly profess to assume the duties incident to the practice of podiatry.

2. A podiatrist is one who examines or diagnoses or treats ailments of the human foot, medically or surgically.

149.2 Persons not required to qualify. This chapter shall not apply to the following:

1. Physicians and surgeons, or osteopaths, or osteopathic surgeons authorized to practice in this state.

2. Podiatrists licensed to practice in the state prior to the taking effect of this chapter.

3. Nothing herein shall affect or alter the existing right now held by retailers, manufacturers or others to sell corrective shoes, arch supports, drugs or medicines for use on feet.

149.3 License. Every applicant for a license to practice podiatry shall:

1. Be a graduate of an accredited high school.

2. Present a diploma issued by a school of podiatry approved by the Board of Podiatry Examiners.

3. Pass an examination in the subjects of anatomy, chemistry, dermatology, diagnosis, pharmacy and materia medica, pathology, physiology, histology, bacteriology, neurology, practical and clinical podiatry, foot orthopedics, and others, as prescribed by the Board of Podiatry Examiners, and must obtain a general average of at least seventy-five per cent and not less than seventy per cent in any one subject.

4. In addition to the above requirements all applicants after January 1, 1938, shall present to the Board of Podiatry Examiners satisfactory evidence of a completed internship of not less than eight months in a recognized school, hospital, clinic or office, approved by the Board of Podiatry Examiners.

149.4 Approved school. No school of podiatry shall be approved by the Board of Podiatry Examiners as a school of recognized standing unless said school:

1. Requires for graduation or the receipt of any podiatric degree the completion of a course of study covering a period of at least eight months in each of three calendar years.

2. After January 1, 1940, no school of podiatry and/or chiropody shall be approved by the Board of Podiatry Examiners which does not have as an additional entrance requirement one year's study in a recognized college, junior college, university or academy.

149.5 Amputations—general anesthetics. A license to practice podiatry shall not authorize the licensee to amputate the human foot or perform any surgery on the human body at or above the ankle, or use any anesthetics other than local.

149.6 Title or abbreviation. Every licensee shall be designated as a registered podiatrist and shall not use any title or abbreviation without the designation "practice limited to the foot", nor mislead the public in any way as to the limited field or practice.

PRACTICE OF OSTEOPATHY AND SURGERY

150.1 Definitions. For the purpose of this Code, the following definitions are enacted:

1. Osteopathy is that school of healing art which teaches and practices scientific methods and modalities used in the prevention and treatment of human diseases, but whose basic concept, in contrast with all other schools,

places paramount emphasis upon the normality of blood circulation and all other body functions as a necessary prerequisite to health and holds that such normality is more certain of achievement by and through manual stimulation or inhibition of the nerve mechanism controlling such functions or by the correction of anatomical maladjustments.

2. Osteopathic practice is that method of rehabilitating, restoring and maintaining body functions by and through manual stimulation or inhibition of nerve mechanism controlling such body functions, or by the correction of anatomical maladjustment, and/or by other therapeutic agents, methods and modalities used supplementary thereto; but such supplementary agents, methods or modalities shall be used only preliminary to, preparatory to, and/or in conjunction with such manual treatment. Such osteopathic practice is hereby declared not to be the practice of medicine within the meaning of chapter 148, and is not subject to the provisions of said chapter.

150.2 Persons engaged in practice. For the purpose of this title:

1. The following classes of persons shall be deemed to be engaged in the practice of osteopathy:

a. Persons publicly professing to be osteopathic physicians or publicly professing to assume the duties incident to such practice of osteopathy.

b. Persons who treat human ailments by that school of healing art hereinbefore defined as osteopathy.

2. The following classes of persons shall be deemed to be engaged in the practice of osteopathy and surgery:

a. Persons publicly professing to be osteopathic physicians and surgeons, or publicly professing to assume the duties incident to such practice of osteopathic surgery.

b. Persons who treat human ailments according to that school of healing art hereinbefore defined as osteopathy, including the practice of major surgery.

150.3 Persons not required to qualify. Section 150.2 shall not be so construed as to include the following classes of persons:

1. Licensed practitioners of medicine and surgery, podiatrists, chiropractors, nurses and dentists, who are exclusively engaged in the practice of their respective professions.

2. Practitioners of medicine and surgery of the United States army, navy, or public health service when acting in the line of duty in this state, or to osteopathic physicians or osteopathic physicians and surgeons, licensed in another state, when incidentally called into this state in consultation with an osteopathic physician or osteopathic physician and surgeon, licensed in this state.

3. Students of osteopathy or of osteopathy and surgery who have completed at least two years' study in a college of osteopathy approved by the Osteopathic Examiners and who render gratuitous service to persons in case of emergency.

150.4 Requirements—osteopathy. Every applicant for a license to practice osteopathy shall:

1. Present to the Osteopathic Examiners of Iowa satisfactory evidence that he has a preliminary education equal at least to the requirements for graduation from an accredited high school, or other secondary school of equal or greater standards; and that prior to his matriculation in an osteopathic college he has also completed two years of college or university study consisting of at least sixty semester hours of collegiate work in an accredited college or university, during which college or university course he has had at least twelve semester hours of chemistry, eight semester hours of physics, eight semester hours of biology, six semester hours of English, twelve semester hours of non-science subjects; provided, however, that this two years of collegiate preosteopathic work shall not be required of any applicant who has matriculated in an accredited college of osteopathy prior to March 1, 1935.

2. Present a diploma issued by an accredited college of osteopathy approved by the osteopathic examiners of Iowa.

3. Pass an examination in the science of osteopathy as hereing defined and

in the practice of the same, including minor surgery, as prescribed by the osteopathic examiners of Iowa.

150.5 Requirements—osteopathy and surgery. In addition to all the requirements of section 150.4, every applicant for a license to practice osteopathy and surgery shall:

1. Present satisfactory evidence that he has completed either:
 - a. A two-year post-graduate course, of nine months each, in an accredited college of osteopathy approved by the osteopathic examiners of Iowa, involving a thorough and intensive study of the subject of surgery as prescribed by such osteopathic examiners, or
 - b. A one-year post-graduate course of nine months, as prescribed in the preceding paragraph, and, in addition thereto, has completed a one-year course of training as a surgical assistant in a hospital having at least twenty-five beds for patients and equipped for doing major surgical work.
2. Pass an examination as prescribed by the osteopathic examiners in the subject of surgery, which shall be of such character as to thoroughly test the qualifications of the applicant as a practitioner of major surgery.

150.6 Approved colleges. No college of osteopathy shall be approved by the osteopathic examiners as an accredited college of recognized standing unless it has in all respects met the standards fixed and required by the bureau of professional education of the American Osteopathic Association, and which requires completion of a scientific course of professional study, including all of the basic subjects and courses then being taught generally in approved medical schools, and covering a period of not less than four full school years of nine months each, in actual resident attendance. Such professional course shall require a specific and published schedule of study and clinical practice for the entire school period, and this schedule shall include a study of:

1. Such basic and fundamental subjects as: anatomy (regional, dissection, applied, surgical and microscopic); histology; physiology; pathology; diagnosis (physical, differential and laboratory); chemistry, including biochemistry and toxicology; pharmaco-dynamics; bacteriology;
2. Surgery (major, minor, orificial and orthopedic);
3. Principles of osteopathy and comparative therapeutics;
4. Practice of osteopathy as applied to the diagnosis and treatment of human diseases, including clinical practice; neurology and psychiatry; obstetrics; pediatrics; eye, ear, nose and throat; urology; gynecology; proctology; dietetics; X-ray, both diagnostic and therapeutic; hygiene; dermatology; syphilology; and jurisprudence;
5. Supplemental therapeutics, including such subjects as hydrotherapy; electro-therapy; drug-therapy; biological therapy and psycho-therapy.

150.7 Scope of practice. One licensed as an osteopathic physician may practice osteopathy as defined in section 150.1, including obstetrics and minor surgery. One specially licensed as an osteopathic physician and surgeon under section 150.5 may also practice major surgery. Neither osteopathic physicians nor osteopathic physicians and surgeons licensed under this chapter shall be subject to the provisions of chapter 148.

150.8 Internal curative medicines—surgery. A license to practice osteopathy or osteopathy and surgery shall not authorize the licensee to prescribe or give internal curative medicines and a license to practice osteopathy shall not authorize the licensee to engage in major operative surgery. The words "internal curative medicine", as used herein, shall be so construed as not to include antidotes, biologics, drugs necessary to the practice of minor surgery and obstetrics, or to the simpler remedies commonly given for temporary relief.

150.9 County physician. The board of supervisors of any county may enter into contract with one licensed hereunder for the care and treatment of its indigent sick.

150.10 State patients. One licensed hereunder shall have the right to examine applicants, recommend admissions and make reports in connection with the admission of patients to all state-owned institutions.

PRACTICE OF CHIROPRACTIC

151.1 "Chiropractic" defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of chiropractic:

1. Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic.

2. Persons who treat human ailments by the adjustment by hand of the articulations of the spine or by other incidental adjustments.

The statute limiting the practice of chiropractic and in specific terms prohibiting the use of surgery, osteopathy, or drugs must be construed as prohibiting chiropractors from using adjuncts to these practices, such as physiotherapy, electro-therapy, colonic irrigation, ultra-violet rays, traction tables, vitalizers, vibrators, and the like and also construed as prohibiting chiropractors from prescribing diet in the treatment of the sick.

State vs. Boston, 226 Ia., 278 NW 291, 284 NW 143.

151.2 Persons not engaged in. Section 151.1 shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, licensed osteopaths, and licensed osteopaths and surgeons who are exclusively engaged in the practice of their respective professions.

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state.

3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the chiropractic examiners, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of said examiners.

151.3 License. Every applicant for a license to practice chiropractic shall:

1. Present satisfactory evidence that he possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

2. Present a diploma issued by a college of chiropractic approved by the chiropractic examiners.

3. Pass an examination prescribed by the chiropractic examiners in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and the principles and practice of chiropractic, including a clinical demonstration of vertebral palpation, nerve tracing and adjusting.

151.4 Approved college. No college of chiropractic shall be approved by the chiropractic examiners as a college of recognized standing unless said college:

1. Requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of not less than three school years of six months each year in actual continuous attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph three of section 151.3 and including practical clinical instruction.

3. Publishes in a regularly issued catalog the requirements for graduation and degrees as herein specified.

151.5 Operative surgery—drugs. A license to practice chiropractic shall not authorize the licensee to practice operative surgery, osteopathy, nor administer or prescribe any drug or medicine included in materia medica.

151.6 Display of word "chiropractor". Every licensee shall place upon

all signs used by him, and display prominently in his office the word "chiropractor".

PRACTICE OF NURSING

152.1 "Nursing" defined. For the purpose of this title any person shall be deemed to be engaged in the practice of nursing who practices nursing as a graduate or registered nurse or publicly professes to be a graduate or registered nurse and to assume the duties incident to such profession.

152.2 Nurses exempted. Section 152.1 shall not apply to any person nursing the sick with or without pay who does not in any way assume to be a registered or graduate nurse, but such person shall not use the abbreviations "R. N." or "G. N."

152.3 License. Every applicant for a license to practice nursing shall:

1. Present a diploma issued by a nurses' training school approved by the Nurse Examiners.

2. Pass an examination prescribed by the Nurse Examiners in the subjects of elementary hygiene, anatomy, physiology, materia medica, dietetics, practical nursing, medical and surgical nursing, obstetrics, nursing of children, the rules of the state department of health relating to communicable diseases, and quarantine, and other proper subjects.

152.4 Approved training school. No training school shall be approved by the nurse examiners as a school of recognized standing unless said school is attached to a general hospital and:

1. Requires for graduation or any degree the completion of a course of study covering a period of at least three years of actual attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph 2 of section 152.3.

3. Publishes in a regularly issued catalog the requirements for graduation and degrees as herein specified.

Senate File No. 50, ch. 18, 46th G. A., transfers to the Board of Nurse Examiners and to the secretary of said Board the duties heretofore held and discharged by the State Department of Health.

Opinion Atty. Gen., May 6, 1935.

PRACTICE OF DENTISTRY

153.1 "Practice of dentistry" defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of dentistry:

1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.

2. Persons who treat, or attempt to correct by any medicine, appliance, or method, any disorder, lesion, injury, deformity, or defect of the oral cavity, teeth, gums, or maxillary bones of the human being, or give prophylactic treatment to any of said organs.

153.2 Persons not engaged in. Section 153.1 shall not be construed to include the following classes:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at the state dental college.

2. Licensed "physicians and surgeons" or licensed "osteopaths and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their professions.

3. Persons who are members of an incorporated society and practice dentistry solely for and among the members of such incorporated society without charge.

4. Persons licensed to practice dental hygiene who are exclusively engaged in the practice of said profession.

153.3 License. Every applicant for a license to practice dentistry shall:

1. Present a diploma issued by a dental college approved by the dental examiners.

2. Pass an examination prescribed by the dental examiners in the science of dentistry and the practice of dental surgery.

The state department of health, with the approval of the dental examiners, may accept in lieu of the requirements in paragraphs one and two of this section, certificate of satisfactory examination issued by the national board of dental examiners of the United States of America, but every applicant for a license, upon the basis of such certificate, shall be required to pay the prescribed fee for a license issued under reciprocal agreements.

153.4 Names of employed dentists to be posted. Every person who owns, operates or controls a dental office in which anyone other than himself is practicing dentistry shall display the name of such person in a conspicuous manner at the public entrance of said office.

153.5 Employment of unlicensed dentist. No person owning or conducting any place where dental work of any kind is done or contracted for, shall employ or permit any unlicensed dentist to practice dentistry in said place, but persons who are not licensed dentists may perform laboratory work.

153.6 Practice under own name. No person shall operate any place in which dentistry is practiced under any other name than his own, or display, in connection with his practice, on any advertising matter any other than his own name; but two or more licensed dentists who are associated in the practice may use all of their names, and a widow, heir, or any legal representative of a deceased dentist, may operate such office for a reasonable time for the purpose of disposing of the same.

153.7 "Practice of dental hygiene" defined. Any woman may be licensed as a dental hygienist and such license shall authorize her to remove lime deposits, accretions, and stains upon the exposed surfaces of the teeth and directly beneath the free margins of the gums, but such practice must be carried on in a dental office, a public or private school, or in a public institution, and under the supervision of a licensed dentist. Dental hygienists shall not otherwise engage in the practice of dentistry.

153.8 Dental hygienists. Every applicant for a license to practice dental hygiene shall:

1. Present satisfactory evidence of a preliminary education equivalent to two years in an accredited high school or other secondary school.

2. Present a diploma from a training school for dental hygiene approved by the dental examiners.

3. Pass an examination prescribed by the dental examiners in the subjects taught in the curriculum of an accredited training school for dental hygiene.

153.9 Approved hygiene school. No training school for dental hygiene shall be approved by the dental examiners as a school of recognized standing unless said school:

1. Requires for graduation or any degree the completion of a course of study covering a period of not less than one year of at least nine months in actual continuous attendance.

2. Gives a suitable course covering the subject of dental hygiene.

3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as specified herein.

153.10 Definition. For the purpose of this chapter, "commissioner" shall mean the commissioner of public health or his deputy.

153.11 Renewal of licenses. Every license to practice dentistry or dental hygiene shall expire on the 30th day of June following the date of issuance of such license. Application for renewal of such license shall be made in writing to the department at least sixty days prior to the expiration of such

license, accompanied by the legal fee and the affidavit of the applicant, upon a form to be prescribed by said department, in which affidavit the applicant shall state in substance that he has not during the term of the license which he then holds or the last renewal thereof violated any of the provisions of this title or committed any of the acts of unprofessional conduct, naming them, as defined in this title.

153.12 Time of renewal. Such renewal of license shall not be issued by the department prior to the 15th day of May of each year.

153.13 Renewal and notice of expiration. Every year the department shall notify each licensee by mail of the expiration of his license, and subject to the provisions of this chapter the same shall be renewed upon application being made, without examination.

153.14 Determining right to renewal. If prior to the renewal of any such license, the commissioner is informed upon oath or affirmation lawfully administered that any such applicant has during the term of his last license or the last renewal thereof violated any of the provisions of this title or committed any of the acts of unprofessional conduct as defined in this title, or if it is certified in writing to said department by the state board of dental examiners, or any member thereof, that said board of examiners, or any member thereof, is credibly informed that such violation of law or act of unprofessional conduct has been so committed by such applicant, then the department shall notify such applicant by registered letter, with postage prepaid, mailed to his address as shown by the records of said department that such information or certificate has come to the attention of the department, and that on a day named the applicant may appear before the commissioner at the office of the department and show cause why said license should be renewed. In such event the renewal of license shall not be made prior to the date so fixed and the making of such a showing by the applicant.

153.15 Record of hearing. The time and place of such hearing before the commissioner shall be entered as part of the records of the department, and shall be open to public inspection.

153.16 Oaths of witnesses. The commissioner is hereby empowered to and shall administer oaths to all persons offering testimony at such hearing.

153.17 Persons entitled to testify. Upon such hearing being had any person having knowledge of the facts pertaining to the propriety of the renewal of such license may testify thereto.

153.18 Grounds for rejecting application. If at said hearing, and if appeal is taken, then upon appeal as hereinafter provided, it shall be established that the applicant has theretofore failed to comply with all of the provisions of this title or has during the term of his license or the last renewal thereof committed any of the acts of unprofessional conduct as defined in this title, then the commissioner shall reject such application and said license shall not be renewed except as hereinafter provided.

153.19 Record and notice of order. The minutes of all evidence heard by said commissioner or exhibits introduced at said hearing for or against the granting of said application for a license, together with the order of the commissioner granting or rejecting such application for renewal of license, which shall be in writing, shall be and become a part of the records of said department and shall be open to public inspection. Written notice of said order shall be mailed to the applicant by the department.

153.20 Appeal. If the commissioner should reject any such application, and refuse to renew any such license, the applicant may, within thirty days after the order of commissioner, and not afterward, appeal therefrom by a writ of certiorari to the district court where upon such appeal the hearing shall be de novo and all legal evidence pertaining to the matter of whether

or not such license should be renewed may be submitted, including new evidence not submitted to the commissioner.

153.21 Effect of appeal. The order of the commissioner rejecting such application, and refusing to renew such license, shall remain in force and effect until such appeal is successfully prosecuted by the applicant and finally determined upon the merits and no new or temporary license shall be issued to the applicant pending such appeal.

153.22 Reinstatement of former licensee. Any former licensee whose application for renewal of license has been rejected by the commissioner and who has not successfully prosecuted an appeal therefrom as herein provided shall not thereafter receive such license or renewal thereof except upon the recommendation of the examining board of his profession, with the approval of the commissioner and the payment of the renewal fees then due. Such examining board may require examination of the former licensee, in which case he shall pay the examination fees provided by law.

153.23 Reinstatement of lapsed license. Any former licensee who has allowed his license to lapse by failing to file application for the renewal of the same as above provided may be reinstated with or without examination as the examining board of his profession may decide, but then only upon the recommendation of said examining board, with the approval of the commissioner, and upon payment of the renewal fees then due, and then only upon filing application and affidavit with the department in the manner and form above provided. If examination shall be required by said examining board such former licensee shall pay the fees provided by law.

153.24 Revocation of license. As to dentists and dental hygienists a license to practice either of such professions shall be revoked or suspended in the manner and upon the grounds elsewhere provided in this title, and also when the affidavit accompanying the application of such licensee for renewal of license filed with the department is not in all respects true.

153.25 Unprofessional conduct. As to dentists and dental hygienists "unprofessional conduct" shall consist of any of the acts denominated as such elsewhere in this title, and also any other of the following acts:

1. All advertising of any kind or character other than the carrying or publishing of a professional card or the display of a window or street sign at the licensee's place of business; which professional card or window or street sign shall display only the name, address, profession, office hours and telephone connections of the licensee.

2. Exploiting or advertising through the press, on the radio, or by the use of handbills, circulars or periodicals, other than professional cards stating only the name, address, profession, office hours, and telephone connections of the licensee.

3. Employing or making use of advertising solicitors or publicity agents or soliciting employment personally or by representative.

153.26 Application. The provisions hereof shall not in any wise apply to acts done or violations of law committed prior to the enactment hereof.

PRACTICE OF OPTOMETRY

154.1 "Optometry" defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of optometry:

1. Persons who employ any means other than drugs for the measurement of the powers of vision of the human eyes, and adapt lenses for aiding the same.

2. Persons who allow the public to use any mechanical device for such purpose.

3. Persons who publicly profess to be optometrists and to assume the duties incident to said profession.

a. A corporation is practicing optometry when it equips and publicly opens, carries on, manages, and controls, through its employee—a licensed optometrist—an office for the practice of said profession, even though the name of the corporation does not publicly appear as such practitioner. And, inasmuch as a corporation cannot legally practice optometry, such practice will be enjoined.

State vs. Kindy Optical Co., 216 Ia. 1157.

b. Corporation doing business as department of large store in name of store but with license in name of employee leasing department from corporation, held guilty of practice of optometry without license. Id.

c. Proof that enjoinable acts were being committed at the time of the commencement of an action carries the presumption that the condition complained of existed at the time of the trial. Id.

d. Constitutionality of statutes requiring certain qualifications and the procurement of licenses by members of the learned professions reaffirmed. Id.

154.2 Persons not engaged in. This chapter shall not be construed to include the following classes:

1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as herein defined.

2. Licensed physicians and surgeons.

154.3 License. Every applicant for a license to practice optometry shall:

1. Present satisfactory evidence of a preliminary education equivalent to at least four years' study in an accredited high school or other secondary school.

2. Present a diploma from an accredited school of optometry.

3. Pass an examination prescribed by the Optometry Examiners in the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry.

154.4 Revocation. In addition to the grounds for revocation of license set forth in section 147.55 any licensed optometrist who shall practice or advertise as practicing his profession, under a false or assumed name or shall by such advertisement mislead the public to believe that he is practicing for or on behalf of an unlicensed person, shall have his license revoked.

154.5 Approved school. No school of optometry shall be approved by the optometry examiners as a school of recognized standing unless said school:

1. Requires for graduation or any degree the completion of a course of study covering a period of at least four school years of nine months each year of actual continuous attendance.

2. Gives an adequate course of study in which at least one hundred fifty hours of the instruction are devoted to each of the subjects enumerated in paragraph three of section 154.3.

3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

154.6 Expiration and renewal of licenses. Every license to practice optometry shall expire on the thirtieth day of June of each year. Application for renewal of such license shall be made in writing to the Department of Health at least thirty days prior to the annual expiration date, accompanied by the legal renewal fee and the affidavit of the licensee or other proof satisfactory to the Department and to the Iowa State Board of Optometry Examiners, that said applicant has attended, since the issuance of the last license to said applicant, an educational program or clinic as conducted by the Iowa Optometric Association, or its equivalent, for a period of at least two days. The attendance requirement at said educational program or clinic shall not be conditioned upon membership in said Iowa Optometric Association. Nonmembers shall be admitted to said annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the said annual educational program or clinic, it shall be the duty of the Board of Optometry Examiners to recognize and approve attendance at

local optometric study group meetings as shall, in the judgment of said board, constitute an equivalent to attendance at the annual educational program of said association.

154.7 Notice of expiration. Notice of expiration of the annual license to practice optometry shall be given by the State Department of Health to all certificate holders by mailing said notice to the last known address of such licensee on or before the 15th day of April of each year, and said notice shall contain a statement of the educational program attendance requirement and the amount of legal fee required as a condition to the renewal of the license for the coming year. Subject to the provisions of this chapter, said license shall be renewed without examination.

154.8 Postgraduate study as requisite. The filing of proof of attendance at an educational program or clinic as provided in this chapter, shall be a condition precedent to the issuance of a renewal license, provided, however, that the Iowa State Board of Optometry Examiners may reinstate such licensee to practice optometry upon presentation of satisfactory proof of postgraduate study of a standard approved by said Examiners, and payment of all fees due. Licensees residing and practicing in other states are not required to comply with the postgraduate requirement.

154.9 Ophthalmic lenses—sale. It shall be unlawful for any person to dispense an ophthalmic lens or lenses, without first having obtained a written prescription or order therefor from a duly licensed practitioner referred to in this chapter, or other practitioner authorized to write said prescriptions or orders. Each such practitioner shall furnish his patient without charge a copy of his patient's prescription. For the purpose of this section, an ophthalmic lens shall mean one which has been ground to fill the requirements of a particular prescription.

PRACTICE OF PHARMACY

155.1 Persons engaged in. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of pharmacy:

1. Persons who engage in the business of selling, or offering or exposing for sale, drugs and medicines at retail.

2. Persons who compound or dispense drugs and medicines or fill the prescriptions of licensed physicians and surgeons, dentists or veterinarians.

155.2 Persons not engaged in. Neither section 155.1 nor section 155.6 shall be construed to include the following classes:

1. Persons who assist in the selling or dispensing of drugs and medicines under the supervision of a licensed pharmacist.

2. Persons who sell, offer or expose for sale, completely denatured alcohol or concentrated lye, insecticides or fungicides, in original packages.

3. Persons licensed to practice medicine, dentistry, or veterinary medicine who dispense drugs and medicines as an incident to the practice of their professions.

4. Persons who sell, offer or expose for sale proprietary medicines or domestic remedies which are not in themselves poisonous or in violation of the law relative to intoxicating liquors.

155.3 Definitions. For the purposes of this chapter:

1. "Drugs and medicines" shall include all medicinal substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

2. "Pharmacy" shall mean a drug store in which drugs, and medicines are exposed for sale or sold at retail; or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.

155.4 License. Every applicant for a license to practice pharmacy shall:

1. Present satisfactory evidence of possessing the qualifications enumerated in one of the following paragraphs:

a. The completion of two years' work in an accredited college of pharmacy and at least two years of practical experience as a clerk under the supervision of a licensed pharmacist in a pharmacy.

b. The completion of three years' work in an accredited college of pharmacy and at least one year of practical experience as specified in the preceding paragraph.

2. Pass an examination prescribed by the Pharmacy Examiners in the science and practice of pharmacy. This section shall apply to all persons who prior to July 4, 1936, were actually in attendance in any recognized college of pharmacy, irrespective of the time when such persons apply for said license.

155.5 Applicants for license—requirements. On and after July 4, 1936, every applicant for a license to practice pharmacy, except for those embraced in section 155.4, shall:

1. Be not less than twenty-one years of age, and of good moral character, and of temperate habits.

2. Be a graduate of an accredited high school, or its equivalent.

3. Be a graduate of a school or college of pharmacy or of a department of pharmacy of a university, recognized and approved by the board of pharmacy examiners.

4. File proof, satisfactory to the board, of a minimum of one year practical experience in a pharmacy, substantiated by proper affidavits, said experience to be under the supervision of a licensed pharmacist and not concurrent with time of college attendance.

5. Pass an examination prescribed by the board of pharmacy examiners in the science and practice of pharmacy.

155.6 Sales by unlicensed persons. No unlicensed persons or licensed pharmacist shall allow anyone who is not a licensed pharmacist to sell, or dispense any drugs, or medicines or fill the prescriptions of licensed physicians, dentists and veterinarians, unless the same be done under the immediate personal supervision of a licensed pharmacist, and all drugs, and medicines sold, exposed, or offered for sale shall be under the immediate personal supervision of a registered pharmacist at all times except for temporary absence.

"Temporary absence" shall mean the necessary absence for meals and business, or other necessary causes, while the pharmacy is open for business.

155.7 Display of certificate. No person shall allow or permit the certificate of a licensed pharmacist to remain in or on display in his place of business, unless the licensed pharmacist owning said certificate is employed therein.

No licensed pharmacist shall allow or permit his certificate, as a licensed pharmacist, to remain in or on display at any place of business unless legally employed therein.

155.8 Use of terms. No person shall use the word or words: "drug", "druggist", "drug store", "pharmacy", "pharmacist", or "apothecary", on any sign, card, circular, device, or advertisement, unless his place of business is operated as a pharmacy as defined in this chapter.

155.9 Approved colleges. No college of pharmacy shall be approved by the Pharmacy Examiners as a college of recognized standing unless the entrance and graduation requirements are equivalent to those prescribed by the American association of colleges of pharmacy.

PRACTICE OF EMBALMING

156.1 "Embalming" defined. For the purposes of this chapter, the following classes shall be deemed to be engaged in the practice of embalming:

1. Any person who prepares dead human bodies for burial, cremation or other final disposition; or who, in connection with the disposition or sale of any casket, vault or other burial receptacle, shall furnish any embalming or funeral service, directly or indirectly, by himself, or in conjunction with another; or who publicly professes to be an embalmer, funeral director, mortician, or any other title indicating that such person assumes the duties, or any part of the duties, incidental to the preparation, care, and final disposition of any human dead; or who, in connection with the preparation of dead human bodies for burial, cremation or other final disposition, furnishes funeral services.

2. Any person who shall disinfect, preserve and make final disposition of dead human bodies, in whole or in part, or who shall attempt to do so, by the use or application of chemical substances, fluids or gases ordinarily used, prepared or intended for such use, either by outward application of such chemical substances, fluids or gases on the body, or by the introduction of same into the body by vascular or hypodermic injection or by direct introduction into the organs or cavities, or by any other methods or processes.

It is further provided that nothing in the provisions of this chapter shall apply to any person, firm, or legally established funeral home other than cooperative burial associations, except that each such legally established funeral home shall comply with the provisions of this chapter as to state control, licenses and license fees, engaged in the undertaking business on July 4, 1935.

156.2 Interpretation. Section 156.1 shall not be construed to include the following classes of persons:

1. Manufacturers, wholesalers and jobbers of caskets, vaults or other burial receptacles not engaged in the other functions of embalming or furnishing of funeral services as above defined.

2. Those who distribute or sell caskets, vaults or any other burial receptacles and who do not furnish any embalming or funeral service, directly or indirectly, by himself or in conjunction with another, except a registered student under the personal direction of a licensed embalmer.

3. Those who use bodies for scientific purposes as defined in sections 142.1, 142.2 and 142.5; or those who make scientific examination of dead bodies, or perform autopsies.

4. Physicians or institutions who preserve parts of human bodies either for scientific purposes or for use as evidence in prospective legal cases.

5. Persons burying their own dead under burial permit from the registrar of vital statistics.

156.3 License. No applicant shall be issued a license to practice embalming unless and until he shall:

1. File with the state department of health an application upon a form prepared by the department, presenting satisfactory proof that said applicant has completed an accredited high school course, or the equivalent thereof; with evidence of one year's studentship under a regularly licensed embalmer, in the state of Iowa prior to entering an accredited school of embalming, together with such other information as may be deemed necessary.

2. Have taken and successfully completed a course of training in an accredited school of embalming.

3. At the first regular examination held by the board after his graduation, pass the examination prescribed and may then receive a Class "A" Certificate of Studentship and shall then complete one additional year of continuous studentship. The applicant shall during his studentship arterially embalm not less than twenty-five human bodies under the direct supervision of a licensed embalmer in good standing in the state.

4. Have passed a satisfactory examination prescribed by the board of embalmer examiners in such subjects as the board may prescribe, including the subjects of embalming, theory and practice, sanitary science, chemistry, anatomy, physiology, bacteriology, pathology, restorative art, transportation, the care, disinfection, preservation, funeral direction, burial or other disposition of dead human bodies, together with the laws, rules and regulations of the state department of health relating to communicable diseases, quarantine and cause of death.

5. Have demonstrated his proficiency as an embalmer, as directed by the board of embalmer examiners, by operation on a dead human body, which body shall be furnished by the state department of health, under the provisions of section 142.2. This particular requirement shall apply to all applicants for a license by reciprocity as well as by examination.

156.4 Studentship. The board of embalmer examiners shall, by rule approved by the state department of health, provide for studentships in embalming, and shall regulate the registration and training thereof; and no applicant shall be eligible to take the embalmers' examination who has not first been legally registered as a student. For such registration a fee of five dollars shall be collected from the applicant.

156.5 Revocation of license. For the purpose of revoking a license under the provisions of section 147.55, "unprofessional conduct" on the part of an embalmer shall, in addition to the provisions of said section, consist of any one of the following acts:

1. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services.

2. Executing a death certificate or shipping paper for use of anyone except a licensed embalmer or a registered student who is working under his immediate personal supervision.

3. Recommending to the board of embalmer examiners an applicant for a license who has not, to his personal knowledge, complied with the requirements of the law and the rules of the board of embalmer examiners.

156.6 Inspection. The commissioner of public health shall have power to inspect all places where dead human bodies are prepared, or held for burial, or entombment; and to prescribe and enforce such rules and regulations in connection therewith as may be necessary for the preservation of the public health.

156.7 Lifetime licenses. No person licensed to practice embalming in Iowa shall be required to secure a new license under this chapter.

156.8 After death of licensee. Any heir or legal representative of a licensed embalmer may maintain a funeral home for a period of two years after the death of such licensed embalmer. A licensed embalmer shall be employed to operate such funeral home during said period and the state department of health shall be notified of such employment by the licensee.

156.9 Student excepted. The provisions of this act relating to the period of studentship shall not apply to any student now regularly registered as by law provided.

COSMETOLOGY

157.1 Definitions. For the purpose of this chapter the following classes of persons shall be deemed to be engaged in the practice of cosmetology:

1. Persons who, for compensation, engage in or hold themselves out to the public as being engaged in any one or any combination of the following practices: cutting, dressing, curling, waving, bleaching, coloring and similar work, on the hair of any woman or child by any means whatever.

2. Persons who, with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, aniseptics, tonics, lotions, or creams, engage for compensation in any one or any combination of the

following practices: massaging, cleansing, stimulating, manipulating, exercising, manicuring, beautifying, or similar work, the scalp, face, neck, hands, arms, bust or upper part of the body, or the removing of superfluous hair by the use of electricity or otherwise, on or about the body of any woman or child.

157.2 Exceptions. Section 157.1 shall not be construed to include the following classes of persons:

1. Licensed physicians, surgeons, osteopaths, nurses, dentists, podiatrists, optometrists and chiropractors when exclusively engaged in the practice of their respective professions.

2. Barbers who do not practice cosmetology upon women or children in connection with their regular trade or profession; and nothing in this chapter shall be construed to prohibit barbers from cutting the hair, massaging the face and neck, or shampooing the head of any person.

3. Those who render like services in cases of emergency or occasionally administer same in the home.

157.3 License. No applicant shall be issued a license to practice cosmetology unless and until he shall:

1. Present to the examiners the certificate of a medical physician, showing freedom from any infectious or contagious disease.

2. Pass an examination prescribed by the cosmetology examiners, which examination shall include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method.

157.4 Examination. No person shall be eligible to take the examination prescribed by the cosmetology examiners unless and until said person presents a diploma, or other like evidence, issued to the applicant by any school of cosmetology approved by the cosmetology examiners and licensed by the department, showing that said applicant has completed the course of study in said school prescribed by the board of cosmetology examiners.

157.5 Electrolysis. If an applicant desires a license authorizing him to remove superfluous hair by the use of the electric needle, he shall present a diploma, as evidence, of having completed such a course in a school recognized by the board of cosmetology examiners which teaches a special course in the practice of the use of the electric needle. The board of cosmetology examiners shall give to such applicant an examination in the use of the electric needle for which the applicant shall pay a fee of ten dollars to the department.

157.6 Rules—practice in home. The state department of health shall prescribe such sanitary rules for shops and schools as it may deem necessary, with particular reference to the conditions under which the practice of cosmetology shall be carried on and the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases. Cosmetology may be practiced in the home providing a room, other than the living rooms, be fitted up for that purpose. The department of health shall have power to enforce the provisions of this section and to make all necessary inspections in connection therewith.

157.7 Present practitioners. All persons who, on April 9, 1927, are in the actual practice of cosmetology in the state of Iowa, as defined herein, shall be entitled to a license under this chapter, without examination, provided that application therefor, accompanied by the physician's certificate, and the required annual license fee, is filed with the cosmetology examiners within ninety days after said date.

157.8 Assistants. The commissioner of public health, with the approval of the cosmetology examiners, shall appoint such inspectors and clerical assistants and incur such other expense as may be necessary to properly administer and enforce the provisions of law relating to the practice of cosmetology. The amount of compensation of such appointees shall be fixed

by the executive council. There is hereby annually appropriated out of the cosmetology fund in the state treasury a sum sufficient to pay the compensation and the expenses of said examiners, inspectors and clerical assistants, and other necessary expense. Provided however that the entire cost of the administration and enforcement of the provisions of law relating to the practice of cosmetology shall not exceed in any one year, the receipts under such laws for such year together with the balance held by the treasurer of state in the cosmetology fund from preceding years.

157.9 Accredited schools. No school shall be approved by the board of cosmetology examiners unless and until such school shall have made a verified application to the department for a license to teach cosmetology. Such application shall be accompanied by the annual license fee, shall state the name and location of said school, and such other additional information as the board of cosmetology examiners may require. When such application shall have been approved by the board of cosmetology examiners the department shall issue to the applicant a license to conduct such school of cosmetology for one year. Subject to the approval of the board of cosmetology examiners any such license may be annually renewed upon the receipt of the annual license fee.

157.10 Conflicting statutes. No provision of law in conflict with any provision of this chapter shall have any effect thereon or upon the rights of any person licensed hereunder.

157.11 Temporary permits. Any person having completed the prescribed course in, and having obtained a diploma from a school of cosmetology approved by the board of cosmetology examiners and licensed by the department, and having made application to take the next succeeding examination in cosmetology, shall be known as an apprentice and upon payment of the required fee to the department and the submission of evidence of his eligibility to the board of cosmetology examiners, shall be issued a permit by the department which shall entitle such person to work as a cosmetology operator from the date of such graduation to the date of the next succeeding state examination in cosmetology. Only one permit may be issued to any person.

157.12 Managers—license required. Managers of shops or other places where cosmetology is practiced, who directly or indirectly supervise the work of operators, shall be licensed cosmetologists.

157.13 Employment restricted. No person, firm, or corporation shall employ, use or hire any person as a practitioner of cosmetology unless such person is a licensed cosmetologist, or an apprentice as defined by this act.

157.14 Fees. All fees provided for by this act and all other fees paid to the department by practitioners of cosmetology shall be paid by the department to and receipted for by the treasurer of state, who shall keep such fees in a separate fund to be known as the cosmetology fund. Such fund shall be continued from year to year and the treasurer shall keep a separate account thereof showing receipts and disbursements as authorized by section 157.8, and the balance therein; and no part of such fund shall be used for any other purpose than the administration and enforcement of laws relating to the practice of cosmetology.

157.15 Penalty. Any person found guilty of violating any of the provisions of this chapter or chapter 158 shall be fined not to exceed one hundred dollars or be imprisoned in the county jail for not more than thirty days.

BARBERING

158.1 Barbering defined. For the purposes of this chapter all persons who, for compensation, engage in any one or any combination of the following practices performed upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, are engaged in the practice of barbering:

1. Shaving or trimming the beard or cutting the hair.
2. Giving facial or scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances.
3. Singeing, shampooing or dyeing the hair or applying hair tonic.
4. Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

158.2 Exceptions. Section 158.1 shall not be construed to include the following classes of persons:

1. Licensed physicians, surgeons, osteopaths, nurses, dentists, optometrists, chiropractors, cosmetologists or podiatrists.
2. Apprentices who are in good faith pursuing the study of barbering under the direct supervision and tutelage of a licensed practitioner of barbering, provided they are only assisting the licensed practitioner under whom they are pursuing such course of study, or students attending schools approved by the barber examiners.
3. Those who, without compensation, render like services in cases of emergency or occasionally administer same in the home.

The provisions of this section shall not be construed as to permit any person other than a licensed barber or students in a barber school approved by the board of barber examiners or registered barber apprentice while pursuing a regular course of study of barbering to shave or trim the beard or cut the hair of any person for cosmetic purposes, except that licensed cosmetologists may cut the hair of any female person and of any male person under twelve years of age.

158.3 License. No applicant shall be issued a license to practice barbering unless and until he shall:

1. Present to the examiners the certificate of a medical physician, showing freedom from any infectious or contagious disease.
2. Present a certificate showing that the applicant has successfully completed the eighth grade of the public schools, or furnish a satisfactory showing to the board that said applicant has the equivalent thereof.
3. Pass an examination prescribed by the barber examiners, which examination shall include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method.
4. Present to the barber examiners satisfactory evidence that he is a citizen of the United States, or has made application for citizenship.

158.4 Examinations. Whenever any person has successfully completed a six months' course both of theory and practice in any school of barbering approved by the barber examiners' board, and has furnished the necessary certificates and complied with the requirements of section 158.3, he may take an examination for registration as a barber's apprentice, said examination to be given by the board at the same time as the regular examination for barber's license. If any such applicant successfully passes the examination, he shall be given an apprentice's certificate, which certificate will entitle him to pursue a clinic or practice course under the direct supervision and tutelage of a licensed practitioner of barbering for a period of eighteen months from the date of issuance thereof. At the end of said period of eighteen months, upon furnishing to the board satisfactory proof that he has faithfully pursued a course of study as apprentice under the supervision and tutelage of a licensed barber in this state for said period of time, he shall be permitted by said board to take the regular examination for a license to practice barbering. Provided, however, that any person who has practiced barbering in the state of Iowa for a period of more than five years

prior to the taking effect of the barbers' license law, or any person who has practiced barbering in any other state for a period of more than five years, shall, upon furnishing satisfactory proof thereof to the examining board, be permitted to take the examination for a license to practice barbering in this state.

158.5 Charges prohibited. No barber school, nor any barber student therein shall be permitted to charge any fee to any patron or person for work done at said barber school or college by a student during the first three months of his course.

158.6 Closing shop. If the proprietor or person in charge of any barber shop fails to comply with the sanitary rules prescribed by the state department of health as provided in section 158.7, or fails to maintain said barber shop as required by said rules, the state department of health may notify said person of such failure in writing, and if said rules and regulations are not complied with within five days after receiving such written notice, the department shall in writing order such shop closed and it shall remain closed until the department is satisfied that the rules have been or will be complied with. Any person who practices barbering in any shop while such shop is ordered closed, as herein provided, shall be guilty of a misdemeanor. It shall be the duty of the county attorney in each county to assist and aid the state department or any of its inspectors, in enforcing the provisions of this and section 158.7.

158.7 Sanitary rules. The state department of health shall prescribe such sanitary rules as it may deem necessary, with particular reference to the conditions under which the practice of barbering shall be carried on and the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases. Barbering shall not be practiced in the living quarters of any person. The department of health shall have power to enforce the provisions of this section and to make all necessary inspections in connection therewith.

Opinion of the attorney general: Pool halls. Minors not allowed in so-called barber shops which are run in connection with pool halls in the same room and not partitioned off.

" * * * we are of the opinion that where a pool hall is housed in the same building as a barber shop, that is under the same management, being separated only by a small railing, that the place would come within the definition of a pool hall and that minors should not be permitted to enter therein."

Dated December 29, 1925.

158.8 Board. The board of barber examiners shall be appointed by the governor and shall be composed of three members. Each member shall serve for a term of three years and until his successor has been appointed and has qualified.

Each member shall have been a practical barber, who has been a practical barber for at least five years prior to his appointment to the board, engaged in the practice in this state.

158.9 Inspectors and assistants. The commissioner of public health, with the approval of the barber examiners, shall appoint such necessary inspectors and clerical assistants as may be necessary to properly administer and enforce the provisions of this chapter. The compensation of such inspectors and clerical assistants shall be paid from the appropriation made in section 147.25, provided, however, that such appointments and the amount of compensation of such appointees shall be approved by the executive council, and provided further that the entire cost of the administration and enforcement of this chapter shall not exceed in any year the receipts by virtue of this chapter for such year.

158.10 Conflicting statutes. No provision of law in conflict with any provision of this chapter shall have any effect thereon or upon the rights of any person licensed hereunder.

158.11 Barber shops.

1. For the purpose of this chapter, a barber shop shall mean an establishment or place of business where one or more persons engage in the practice of barbering as defined in section 158.1.

2. A barber school or college shall mean an establishment operated by any person, or partnership for the teaching of barbering as defined in section 158.2.

No person or partnership shall maintain or operate a barber school or a barber shop until he or they shall have obtained a license for that purpose from the state department of health. Each such license shall expire at the same time and shall be renewed in the same manner as an individual barber license. Any such license may be suspended, revoked, or renewal thereof denied by the board of barber examiners for violation of any provision of statute or rule of the department of health pertaining to the operation of barber shops or barber schools, after finding following due notice and hearing before the board of barber examiners.

Every application for a license to maintain or operate a barber shop or a barber school shall be made on a form furnished by the state department of health and shall contain such information relative to ownership, management, location, sanitation, and other data concerning said business as may be required by the department.

The state department of health shall collect, in addition to the annual individual license fee required by section 147.80, an inspection fee of ten dollars for every barber shop or barber school hereafter opened and every barber shop or barber school changing ownership before it may open for business or before the new owner assumes the control and management of the same. The remodeling and reopening of a barber shop on the same site as an existing shop and under the same ownership shall not for the purpose of this section be considered as a new shop.

CARE OF NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN

(Note: For complete references to such title, see chapter 232 of the 1946 code of Iowa.)

232.2 "Dependent and neglected child" defined. The term "dependent child" or "neglected child" shall mean any child who, for any reason: 16. Is living in a home which is unfit for such child, or is living in a home wherein because of carelessness or neglect of a person or persons having a transmissible disease of a serious nature as determined by the local board of health, local health officer or the state department of health, the health of said child may be in danger.

MATERNITY HOSPITALS

(Note: The Social Welfare Department is directly in charge of the enforcement of the above entitled chapter. For complete reference to such title, see chapter 236 of the 1946 code of Iowa.)

236.20 Notice of license. The state board of social welfare shall forthwith given notice to the state department of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof.

236.31 Sanitary inspection. Officers and authorized agents of the state department of health and local board of health in the city, village, or town where a licensed maternity hospital is located may make sanitary inspections at any time.

236.32 Licensee to grant assistance. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for the performance of the duties mentioned.

CHILDREN'S BOARDING HOMES

(Note: The Social Welfare Department is directly in charge of the enforcement of the above entitled chapter. For complete reference to such title, see chapter 237 of the 1946 code of Iowa.)

237.7 Notice of granting. The state board of social welfare shall forthwith give notice to the state department of health and to the local board of health of the city, village, or town in which the licensed premises are located of the granting of such license and the conditions thereof.

CHILD-PLACING AGENCIES

(Note: The Social Welfare Department is directly in charge of the enforcement of the above entitled chapter. For complete reference to such title, see chapter 238.)

238.21 Other inspecting agencies. Authorized agents of the state department of health and of the local board of health of the city, village, or town in which a licensed child-placing agency is located may make inspection of the premises.

LABORATORY—PUBLIC HEALTH

(Note: Public health laboratory work is performed at the State University of Iowa at Iowa City. See section 263.8 of the 1946 code of Iowa, a part of which is as follows:)

"In addition to its regular work, the laboratory shall perform all bacteriological, serological, and epidemiological examinations and investigations which may be required by the state department of health, and said department shall establish rules therefor."

HOUSING LAW

(Note: This chapter made applicable to certain special charter cities by section 420.150.)

GENERAL PROVISIONS

413.1 Applicability. This chapter shall be known as the housing law and shall apply to every city of the first class and cities under commission form of government which, by the last state or federal census, had a population of fifteen thousand or more, and to every city as its population shall reach fifteen thousand thereafter by any state or federal census.

413.2 Cities and towns—authority. In all other cities having a population of less than fifteen thousand, and in incorporated towns, the council may adopt ordinances for the regulation and control of any or all matters covered by the provisions of this chapter, in so far as same may be reasonably applicable, and fix penalties for the violation thereof; and fix rules and regulations not inconsistent with those provided in this chapter for the enforcement of said ordinances.

413.3 Definitions. Certain words in this chapter are defined for the purposes thereof as follows: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

1. Dwelling. A "dwelling" is any house or building or portion thereof which is occupied in whole or in part as the home or residence of one or more human beings, either permanently or transiently.

2. Classes of dwellings. For the purposes of this chapter dwellings are divided into the following classes: "Private dwellings", "two-family dwellings", and "multiple dwellings".

- a. A private dwelling is a dwelling occupied by but one family alone.
- b. A two-family dwelling is a dwelling occupied by but two families alone.
- c. A multiple dwelling is a dwelling occupied by more than two families.

3. Classes of multiple dwellings. All multiple dwellings are for the purposes of this chapter divided into two classes, viz.: class A and class B.

Class A. Multiple dwellings of class A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites, or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated or not.

Class B. Multiple dwellings of class B are dwellings which are occupied as a rule transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished room houses, club houses, asylums, boarding schools, convents, hospitals, jails, and all other dwellings similarly occupied whether specifically enumerated herein or not.

4. Hotel. A "hotel" is a multiple dwelling of class B in which persons are lodged for hire and in which there are more than twenty-five sleeping rooms.

5. Family occupancy. For the purposes of this chapter, a "family" is a group of persons living together, whether related to each other by birth or not, and may consist of one or more persons.

6. Mixed occupancy. In cases of mixed occupancy where a building is occupied only in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this chapter.

7. Yards. A "rear yard" is an open unoccupied space on the same lot with a dwelling, between the extreme rear line of the lot and the extreme rear line of the house. A yard between the front line of the house and the front line of the lot is a "front yard". A yard between the side line of the house and the side line of the lot which extends from the front line or front yard to the rear yard is a "side yard".

8. Courts. A "court" is an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.

9. Corner and interior lots. A "corner lot" is a lot of which at least two adjacent sides abut upon a street. A lot other than a corner lot is an "interior lot". The word "lot" is any deeded parcel of land whether a full platted lot or not.

10. Front, rear, and depth of lot. The front of a lot is that boundary line which borders on the street. In case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregular shaped lots the mean depth shall be taken.

11. Public hall. A "public hall" is a hall, corridor, or passageway not within the exclusive control of one family.

12. Stair hall. A "stair hall" is a public hall and includes the stairs, stair landings, and those portions of the buildings through which it is necessary to pass in going between the entrance floor and the roof.

13. Basement, cellar, attic. A "basement" is a story partly underground but having at least one-half of its height above the curb level, and also one-half of its height above the highest level of the adjoining ground. A basement shall be counted as a story.

A "cellar" is a story having more than one-half of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. If any part of a story is in that part the equivalent of a basement or cellar, the provisions of this chapter relative to basements and cellars shall apply to such part of said story.

In the case of private dwellings and two-family dwellings an "attic", or space in a sloping roof, if not occupied for living purposes, shall not be counted as a story; in the case of multiple dwellings an attic room shall be counted as a story if used for living purposes.

14. Height. The "height" of a dwelling is the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs; the measurements in all cases to be taken through the center of the front of the house. Where a dwelling is situated on a terrace above the curb level such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the mean elevation.

15. Curb level. The "curb level" is the level of the established curb in front of the building measured at the center of such front. Where no curb has been established the city engineer shall establish such curb level or its equivalent for the purposes of this chapter.

16. Occupied spaces. Outside stairways, fire towers, porches, platforms, balconies, boiler flues, and other projections shall be considered as part of the building and not as a part of the yards or courts or unoccupied spaces. This provision shall not apply to uninclosed outside porches not exceeding two stories in height which do not extend into the front or rear yard a greater distance than ten feet from the front or rear walls of the building, nor to any such porch which does not extend into the side yard a greater distance than twelve feet from the side wall of the building nor exceed twelve feet in its other horizontal dimension, nor to an enclosed rear porch or attached garage with or without sleeping porch above and not exceeding twelve by twenty feet, nor to cornices or eaves not exceeding eighteen inches in width.

17. Fire-resistive constructed dwelling. A dwelling of fire-resisting construction is one with brick, stone, or concrete walls and with brick, tile, concrete, or terra cotta floors and roof. Floor and roof supports to be of brick, concrete, or metal with all metal protected by tile, concrete or similar fire-resistive material. But this definition shall not be construed as prohibiting the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails or treads of hardwood not less than one inch thick.

18. Wooden buildings. A "wooden building" is a building of which the exterior walls or a portion thereof are of wood. Court walls are exterior walls.

19. Nuisance. The word "nuisance" shall be held to embrace nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health, whatever dwelling is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned, or lighted, in reference to its intended or actual use, and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this chapter, nuisances, and all such nuisances are hereby declared illegal.

20. Construction of certain words. The word "shall" is always mandatory and not directory, and denotes that the dwelling shall be maintained in all respects according to the mandate as long as it continues to be a dwelling. Wherever the words "charter", "ordinances", "regulations", "superintendent of buildings", "health department", "the board of health", "health officer", "commissioner of public safety", "commissioner of public health", "department charged with the enforcement of this chapter", "corporation counsel", "mayor", "city treasury", or "fire limits" occur in this chapter they shall be construed as if followed by the words "of the city in which the dwelling is situated".

Wherever the words "health department", "health officer", or "duly authorized assistant", or "board of health", "commissioner of public safety", or "commissioner of public health" are employe in this chapter, such words shall be deemed and construed to mean the official or officials in any city to whom is committed the charge of safeguarding the public health. The terms "superintendent of buildings", "building department", and "inspector of buildings" shall embrace the department and the executive head thereof specially charged with the execution of laws and ordinances relating to the

construction of buildings. Wherever the words "occupied" or "used" are employed in this chapter such words shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted to, rented, leased, let or hired out, to be occupied or used".

Wherever the words "dwelling", "two-family dwelling", "multiple dwelling", "building", "house", "premises" or "lot" are used in this chapter, they shall be construed as if followed by the words "or any part thereof". Wherever the words "city water" are used in this chapter, they shall be construed as meaning any public supply of water through street mains; and wherever the words "public sewer" are used in this chapter they shall be construed as meaning any part of a system of sewers that is used by the public or by concerted action of several users, whether or not such part was constructed at the public expense. Wherever the word "street" is used in this chapter it shall be construed as including for the purpose hereinafter stated any public alley sixteen feet or more in width, namely, for the sole purpose of determining the required open space around and the allowable height of any building abutting thereon.

"Approved fire-resistive material" means as set forth by ordinances, or if not so determined, as approved by the superintendent of buildings.

413.4 Alteration—change of class. A building not a dwelling, if hereafter converted or altered to such use, shall thereupon become subject to such provisions of this chapter relative to dwellings hereafter erected as the board of health may require. A dwelling of one class if hereafter altered or converted to another class shall thereupon become subject to such provisions of this chapter relative to such latter class as the board of health may require.

413.5 Unlawful alteration. No dwelling hereafter erected shall at any time be altered so as to be in violation of any provision of this chapter.

No dwelling erected prior to the passage of this chapter shall at any time be altered so as to be in violation of those provisions of this chapter applicable to such dwelling.

If any dwelling or any part thereof is occupied by more families than provided in this chapter, or is erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the health officer may cause such dwelling to be vacated. Any such dwelling shall not again be occupied until it, or its occupation, as the case may be, has been made to conform to the law.

413.6 Dwelling rebuilt. If a dwelling be damaged by fire or other cause to the extent of sixty-five per cent or more of its original value, exclusive of the value of the foundations, such dwelling shall not be repaired or rebuilt except in conformity with the provisions of this chapter relative to dwellings hereafter erected; provided, however, the owner shall be permitted to rebuild a building of the same size as before, subject to such reasonable provisions regarding light, ventilation, and sanitation as the board of health may prescribe.

413.7 Dwelling moved. If any dwelling be hereafter moved from one lot to another it shall thereupon be made to conform to all the provisions of this chapter relative to dwellings hereafter erected, unless the board of health shall in a written permit for such removal certify that such dwelling is reasonably safe and sanitary.

413.8 Sewer connections—water supply. The provisions of this chapter with reference to sewer connections and water supply shall be deemed to apply only where connection with a public sewer and with public water mains is or becomes reasonably accessible. All questions of the practicability of such sewer and water connections shall be decided by the health officer or such other official as the board of health may direct.

413.9 Minimum requirements—power of cities. The provisions of this chapter shall be held to be the minimum requirements adopted for the protection of health, welfare, and safety of the community. Nothing herein

contained shall be deemed to invalidate existing ordinances or regulations of any city imposing requirements higher than the minimum requirements laid down in this chapter relative to light, ventilation, sanitation, fire protection, egress, occupancy, maintenance, and uses for dwellings; nor be deemed to prevent any city subject to this chapter from enacting and putting in force from time to time ordinances and regulations imposing requirements higher than the minimum requirements laid down in this chapter; nor shall anything herein contained be deemed to prevent such cities from prescribing for the enforcement of such ordinances and regulations, remedies and penalties similar or additional to those prescribed herein. Every city subject to this chapter is empowered to enact such ordinances and regulations and to prescribe for their enforcement; and to enact such other ordinances pertaining to the housing of the people, not in conflict with the provisions of this chapter, as shall be deemed advisable by the city council. No ordinance, regulation, ruling, or decision of any municipal body, officer, or authority shall repeal, amend, modify, or dispense with any of the said minimum requirements laid down in this chapter, except as specifically provided herein.

413.10 Improvements. All improvements specifically required by this chapter upon dwellings erected prior to the date of its passage shall be made within one year from said date, unless time is extended by the health department.

413.11 Application of provisions. All the provisions of this chapter shall apply to all classes of dwellings, except that in sections where specific reference is made to one or more specific classes of dwellings such provisions shall apply only to those specific classes to which reference is made.

LIGHT AND VENTILATION

413.12 Height of buildings. No dwelling hereafter erected shall exceed in height one and one-half times the width of the widest street upon which it abuts, nor in any case shall it exceed one hundred feet in height. Such width of street shall be determined by measuring from the front line of the building as constructed to the street line of the opposite side of the street. The provisions of this section shall not apply to hotels.

413.13 Rear yards. Immediately behind every single and two-family dwelling hereafter erected there shall be, except as hereinafter provided, a rear yard extending across the lot, for a distance equal to at least the width of the dwelling. Such yard shall be open and unobstructed from the ground to the sky. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured at right angles from the rear lot line to the extreme rear part of the dwelling. Such rear yard space shall in no case be less than ten feet deep, and two feet additional for each story of the dwelling on said lot above the first.

An irregular shaped lot, or lot subject to building line restrictions, may be occupied by a dwelling without complying with the provisions of this section, if the total yard space equals that required by this section.

The provisions of this section shall not apply to hotels.

413.14 Building to side line of lot—side yards. Dwellings hereafter erected may be built up to the side lot line, if the side wall is without windows, or if with windows the air and light required by this chapter are provided otherwise than by windows on the lot line, or if the side lot line abuts on a street or alley. If, however, any side yard is left, it shall be open and unobstructed from the ground to the sky, and its width shall be proportionate to the height of the dwelling, and no side yard shall be less in width in any part than as follows:

1. Multiple dwellings. In the case of all multiple dwellings hereafter erected, one story in height and having a side yard, the width of the side yard measured to the side lot line shall be at least four feet, and such side yard shall be increased in width by one foot for each additional story above the first.

2. Private dwellings and two-family dwellings. In the case of private dwellings and two-family dwellings hereafter erected, one-story or two stories in height, the width of the side yard measured to the side lot line shall be at least four feet; such side yard shall be increased in width one foot for each additional story above the second.

3. Distance between buildings on same lot. Where more than one dwelling is erected upon the same lot, the distance between them shall not be less than eight feet in the case of dwellings of one or two stories in height, this distance to be increased two feet for each additional story above the second.

413.15 Courts—size of. The size of all courts in dwellings hereafter erected shall be proportionate to the height of the dwelling. No court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of an outer court for a one-story dwelling shall be five feet, for a two-story dwelling six feet, for a three-story dwelling seven feet, and shall increase one foot for each additional story above three stories. The least dimension of an inner court shall never be less than twice the minimum width prescribed by this section for an outer court. The width of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building.

413.16 Covered courts. No court of a dwelling hereafter erected shall be covered by a roof or skylight. Every such court shall be at every point open from the ground to the sky unobstructed; except that in the case of hotels, courts may start on the floor level of the lowest bedroom story, and in the case of other multiple dwellings where there are stores or shops on the lower story or stories, courts may start on the top of such lower story or stories.

413.17 Air intake. In all dwellings hereafter erected every inner court extending through more than one story shall be provided with a horizontal air intake at the bottom.

413.18 Corners of courts. Nothing contained in the foregoing sections concerning courts shall be construed as preventing the cutting off of the corners of said courts.

413.19 Other buildings on same lot. If any building is hereafter placed on the same lot with a dwelling, there shall always be maintained between the said buildings an open and unoccupied space extending upwards from the ground. If such buildings are placed at the side of each other the space between them shall conform to the provisions of section 413.14 relating to side yards, but shall be twice the minimum therein required. If such buildings are placed one at the rear of the other the space between them shall be the same as that prescribed in section 413.13 for rear yards. In all cases the height of the highest building on the lot shall regulate the dimensions.

No building of any kind shall be hereafter placed upon the same lot with a dwelling so as to decrease the minimum sizes of courts or yards hereinbefore prescribed, except that, in case of a lot less than seventy-five feet deep, a one-story garage, not more than twenty-five feet deep, measured lengthwise of the lot, nor more than twenty-five feet in the other dimension, or other one-story building, of like dimensions, used exclusively for domestic purposes and not as a dwelling or for the shelter or habitation of animals or fowls of any kind, may occupy one-third of the depth of the open space in this section prescribed.

If any dwelling is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this chapter, and, in addition, the space between the said building and the said dwelling shall be of such size and arranged in such manner as is herein prescribed, the height of the highest building on the lot to regulate the dimensions.

413.20 Windows. In every dwelling hereafter erected every room shall have at least one window opening directly upon the street or a public alley

or other public space at least sixteen feet in width, or upon a yard or court of the dimensions specified in this chapter, and located on the same lot, and such window shall be so located as to properly light all portions of such rooms. This provision shall not, however, apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts, or for similar purposes, provided such rooms are adequately lighted and ventilated.

413.21 Window area. In every dwelling hereafter erected the total window area in each room shall be at least one-eighth of the superficial floor area of the room, and the total minimum window area shall be made so as to open in all its parts.

413.22 Living and bed rooms. In every dwelling erected all living rooms and bed rooms shall be of the following minimum sizes: Every such room shall contain at least eighty square feet of floor area, except that kitchenettes may be forty square feet in area; no such room, except kitchenette, shall be in any part less than seven feet wide. In multiple dwellings of class A, in each apartment, group, or suite of rooms there shall be at least one room containing not less than one hundred twenty square feet of floor area.

413.23 Height of rooms. No room in a private dwelling hereafter erected shall be in any part less than eight feet three inches high from the finished floor to the finished ceiling downstairs and seven feet six inches upstairs; except than an attic room used for living purposes in such private dwelling need be seven feet six inches in but one-half of its area.

No room in a two-family dwelling or multiple dwelling hereafter erected shall be in any part less than eight feet three inches high from the finished floor to the finished ceiling, except than in a two-family dwelling constructed so as to be occupied on two floors by one family, the height of the rooms on the second floor shall be the same as herein provided for a private dwelling.

413.24 Partitions. In every dwelling hereafter erected an alcove in any room intended or used for separate occupancy shall be separately lighted and ventilated as provided for rooms in the foregoing sections. No part of any room in a dwelling hereafter erected shall be inclosed or subdivided at any time, wholly or in part, by a fixed partition for permanent separate occupancy, unless such part of the room so inclosed or subdivided shall be separately lighted and ventilated as provided for rooms in the foregoing sections.

413.25 Windows in bathrooms. In every dwelling hereafter erected every water-closet compartment and every bathroom shall have an aggregate window area of at least four square feet between stop beads opening directly upon the street, or upon a yard or court of the dimensions specified in this chapter. Every such window shall be made so as to open in all its parts. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodations required by the provisions of section 413.32.

The above provision shall not apply to hotels or dwellings that have a system of forced ventilation so constructed as entirely to change the air in every bathroom, toilet room, or water-closet compartment every seven minutes.

413.26 Lighting and ventilation of halls. Every multiple dwelling, every public hall, and stair hall shall have adequate lighting and ventilation as the board of health may require.

SANITATION

413.27 Cellar rooms. In dwellings hereafter erected no room in the cellar shall be occupied for living purposes.

413.28 Basements rooms. In dwellings hereafter erected no room in the basement shall be occupied for living purposes, unless in addition to the other requirements of this chapter such room shall have sufficient light and ventilation, shall be well drained and dry, and shall, in the opinion of the board of health, be fit for human habitation.

413.29 Basement or cellar under entrance floor. Every dwelling hereafter erected shall have a basement, cellar, or excavated space under the entire entrance floor, at least three feet in depth, or shall be elevated above the ground so that there will be a clear air space of at least eighteen inches between the top of the ground and the floor joists so as to insure ventilation and protection from dampness; provided, however, that cement floors may be laid on the ground level if desired.

413.30 Courts and yards graded and drained. In every dwelling hereafter erected all courts, areas, and yards shall be properly graded and drained, and when required by the health officer the courts shall be properly concreted in whole or in part as may be necessary.

413.31 Sinks and washbowls. In every dwelling hereafter erected and not exempted in section 413.8, there shall be a proper sink and washbowl with running water, exclusive of any sink in the cellar. In two-family dwellings and in multiple dwellings of class A there shall be such a sink or washbowl in each apartment, suite, or group of rooms.

413.32 Water-closets. In every dwelling hereafter erected there shall be a separate water-closet. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than thirty inches wide, and shall be inclosed with partitions which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum sizes prescribed by this chapter and located upon the same lot. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided and that such water-closets are supplemental to the water-closet accommodations required by other provisions of this section for the occupants of said house. No water-closet fixture shall be incased with any woodwork. No water-closet shall be placed in a cellar of a multiple dwelling except with written permit from the health officer. In two-family dwellings and in multiple dwellings of class A hereafter erected there shall be for each family a separate water-closet constructed and arranged as above provided and located within each apartment, suite, or group of rooms. In multiple dwellings of class B hereafter erected there shall be provided at least one water-closet for every twenty occupants or fraction thereof. Every water-closet compartment hereafter placed in any dwelling shall be provided with proper means of lighting the same at night. The provisions of this section regarding windows in water-closet compartments shall not apply to dwellings that have a system of forced ventilation as provided in section 413.25.

413.33 Accessibility to city water and sewers. No multiple dwellings shall hereafter be erected unless there is accessible city water and a public sewer, or a private sewer connected directly with a public sewer. No cesspool or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable.

413.34 Plumbing fixtures. In every dwelling hereafter erected no plumbing fixture shall be incased, but the space underneath shall be left entirely

open. Plumbing pipe shall be exposed, when so required by the health officer. All plumbing work shall be sanitary in every particular and, except as otherwise specified in this chapter, shall be in accordance with the plumbing regulations of said city. All fixtures shall be trapped. Pan, plunger, and long hopper closets will not be permitted. Wooden sinks will not be permitted.

FIRE PROTECTION

413.35 Dwellings—fire-resistive materials. No dwelling shall hereafter be erected exceeding four stories in height, unless it shall be of fire-resistive material; the building, however, may step up to follow the street grade, provided no part of it is over four stories in height.

413.36 Egress from multiple dwellings. Every multiple dwelling hereafter erected exceeding two stories in height shall have at least two independent ways of egress, each of which shall extend from the ground floor to the roof, and shall be located remote from each other, and each shall be arranged as provided elsewhere in this chapter. One of such ways of egress shall be a flight of stairs constructed and arranged as provided in sections 413.39 to 413.42, inclusive. In multiple dwellings of class A the second way of egress shall be directly accessible to each apartment, group, or suite of rooms without having to pass through the first way of egress. In multiple dwellings of class B the second way of egress shall be directly accessible from a public hall. The second way of egress may be any one of the following, as the owner may select:

1. A system of outside balcony fire escapes constructed and arranged so as to comply with the state fire laws.

2. An additional flight of stairs, either inside or outside, constructed and arranged as provided in sections 413.38 to 413.41, inclusive.

3. A fire tower located, constructed, and arranged as may be required by the superintendent of buildings.

413.37 Flat-roofed multiple dwellings. Every flat-roofed multiple dwelling hereafter erected exceeding one story in height shall have in the roof a bulkhead or a scuttle not less than two feet by three feet in size. Such scuttle or bulkhead shall be fireproof or covered with metal on the outside and shall be provided with stairs leading thereto and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a closet or room, but shall be located in the ceiling of the public hall on the top floor, and access through the same shall be direct and uninterrupted.

413.38 Stairs in two-story multiple dwellings. Every multiple dwelling two stories or more in height hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof; and the stairs and public halls therein shall each be at least four feet wide in the clear. All stairs shall be constructed with a rise of not more than eight inches and with treads not less than ten inches wide and not less than four feet long in the clear. Winding stairs will not be permitted.

413.39 Stairs in multiple dwellings. In multiple dwellings hereafter erected which exceed two stories in height, the stair halls shall be constructed of fire-resistive material throughout. The risers, strings, and balusters shall be of metal, concrete, or stone. The treads shall be of metal, slate, concrete, or stone, or of hardwood not less than two inches thick. Wooden handrails will be permitted if constructed of hardwood. The floors of all such stair halls shall be constructed of iron, steel, or concrete beams and fireproof filling, and no wooden flooring or sleepers shall be permitted. In multiple dwellings hereafter erected which exceed two stories in height, at least one flight of stairs shall be inclosed in fireproof walls from the cellar to the roof.

413.40 Stair halls in such dwellings. In all multiple dwellings hereafter erected which exceed two stories in height, all stair halls shall be inclosed

on all sides with walls of brick or other fire-resistive material not less than eight inches thick. The doors opening from such stair halls shall be fire-resistive and self-closing fire doors of the swinging type. There shall be no transom or sash or similar opening from such stair hall to any other part of the building occupied for living purposes.

413.41 Multiple dwellings of less than five stories. In multiple dwellings hereafter erected less than five stories high, where there is but one stairway, the entrance hall shall be not less than five feet wide in the clear; and in multiple dwellings five or more stories high, the width shall be not less than six feet and the entrance hall shall have an additional width of two feet for each additional stairway served. In every multiple dwelling hereafter erected, access shall be had from the street or alley to the yard, either in a direct line or through a court.

413.42 Dumb-waiters, chutes, and shafts In multiple dwellings hereafter erected all dumb-waiters, chutes, ventilating and miscellaneous shafts shall be inclosed in an inclosure of fire-resistive material with self-closing fire doors at all entrances into same, including cellar entrances.

In multiple dwellings hereafter erected which shall exceed two stories in height or which are occupied by more than two families above the grade floor, elevators, if provided, shall not be permitted in well holes or in the same shaft as the stairs, but shall be in a separate shaft or inclosure of fire-resistive material such as brick not less than eight inches in thickness, reinforced concrete not less than four inches in thickness, well-burned tile or terra cotta not less than six inches in thickness.

All entrances into elevator shafts shall be protected by fire doors either self-closing or closed inside by elevator operator.

413.43 Inside cellar stairs. In multiple dwellings hereafter erected inside cellar stairs shall be in an inclosure constructed of fire resistive walls and shall have a fire-resistive self-closing door of the swinging type at the bottom.

413.44 Closets in multiple dwellings. In multiple dwellings hereafter erected no closet of any kind shall be constructed under any staircase leading from the entrance story to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

413.45 Cellar entrance. In every multiple dwelling hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

413.46 Wooden multiple dwellings. No wooden multiple dwelling shall hereafter be erected exceeding two stories in height and no wooden building not now used as a multiple dwelling shall hereafter be altered into a multiple dwelling exceeding two stories in height.

ALTERATIONS

413.47 Enlargement of dwellings. No dwelling shall hereafter be enlarged or its lot diminished, or other building placed on the lot, so that the rear yard or side yard shall be less in size than the minimum sizes prescribed in sections 413.13 and 413.14 for dwellings hereafter erected.

413.48 Inner courts. An inner court hereafter constructed in a dwelling erected prior to the passage of this chapter, if extending only through one or two stories, shall be not less than six feet by eight feet in size; and if it extends through more than two stories, it shall be not less than eight feet by ten feet in size. All inner courts shall be opened to the sky, without skylight, or roof of any kind.

413.49 Additional halls or rooms. Any additional room or hall that is hereafter constructed or created in a dwelling shall comply in all respects with the provisions of this chapter with reference to dwellings hereafter

erected, except that it may be of the same height as the other rooms of the same story of the dwelling.

413.50 Light and ventilation. No dwelling shall be so altered or its lot diminished that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health officer.

413.51 Stairs. No stairs leading to the roof in any multiple dwelling shall be removed or be replaced with a ladder.

413.52 Bulkheads. Every bulkhead hereafter constructed in a multiple dwelling shall be constructed of fire-resistive material or covered with metal.

413.53 Public halls or stairs. No public hall or stairs in a multiple dwelling shall be reduced in width so as to be less than the minimum width prescribed in sections 413.38 and 413.41.

413.54 Dumb-waiter and elevator shafts. All dumb-waiters and elevators hereafter constructed in multiple dwellings shall be in inclosures constructed of fire-resistive material with fire-resistive doors at all openings at each story, including the cellar. In the case of dumb-waiter shafts such doors shall be self-closing; and such shafts shall be completely separated from the stairs by walls of approved fire-resistive material inclosing the same.

This section does not apply to dumb-waiter shafts or elevator shafts which are already in existence, but only to those which may be installed after this chapter takes effect.

413.55 Water-closets. Any water-closet hereafter placed in a dwelling, except one provided to replace a defective or insanitary fixture in the same location, shall comply with the provisions of sections 413.25, 413.32, and 413.34, relative to water-closets in dwellings hereafter erected.

413.56 Height of dwellings. No dwelling shall be increased in height so that it exceeds one and one-half times the width of the widest street on which it abuts nor in any case exceeds one hundred feet.

413.57 General rule as to alterations. Except as specified above, no dwelling shall be so altered nor shall its lot be so diminished, nor shall any building be so placed on the same lot, as to cause the dwelling to be in violation of the requirements of this chapter for dwellings hereafter erected; nor shall any room, public hall, or stairs have its light or ventilation diminished in any way not approved by the health officer.

413.58 Skylights—ventilators. All new skylights hereafter placed in a multiple dwelling shall be provided with ventilators having a minimum opening of forty square inches and also with either fixed or movable louvers or with movable sashes, and shall be of such size as may be determined to be practicable by the health officer.

413.59 Divided rooms—window. No part of any room in a dwelling shall hereafter be inclosed or subdivided, for separate occupancy, wholly or in part by a fixed partition, unless such part of a room so inclosed or subdivided shall contain a window as required by sections 413.20, 413.21, and 413.24 and have a floor area of not less than eighty square feet.

MAINTENANCE

413.60 Lights. In every multiple dwelling a proper light shall be kept burning by the owner in the public hallways near the stairs upon each floor every night from sunset to sunrise throughout the year if so required by the health officer.

413.61 Water-closets. No water-closet shall be maintained in the cellar of any dwelling without a permit in writing from the health officer, who shall have power to make rules and regulations governing the maintenance

of such closets. Under no circumstances shall the general water-closet accommodations of any multiple dwelling be permitted in the cellar or basement thereof; this provision, however, shall not be construed so as to prohibit a general toilet room containing several water-closets, provided such water-closets are supplementary to those required by law.

413.62 Number of water-closets. In every dwelling existing prior to the passage of this chapter, there shall be provided at least one water-closet for every two apartments, groups, or suites of rooms, or fraction thereof, except that in multiple dwellings of class B there shall be provided at least one water-closet for every twenty occupants or fraction thereof.

413.63 Cellar or basement rooms. No room in the cellar of any dwelling erected prior to the passage of this chapter shall be occupied for living purposes. And no room in the basement of any such dwelling shall be so occupied without a written permit from the health officer. No such room shall hereafter be occupied unless all the following conditions are complied with:

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least three feet six inches above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water-closet.

4. At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, with an aggregate of at least twelve square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation.

5. The lowest floor shall be waterproof and damp proof.

6. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

413.64 Color cellar walls. The cellar walls and cellar ceilings of every multiple dwelling shall by the owner be thoroughly whitewashed or painted a light color and shall be so maintained by him when required by the health officer.

413.65 Floor beneath water-closets. In all two-family dwellings and multiple dwellings the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair and if of wood shall be kept well painted.

413.66 Repair of dwelling. Every dwelling and all the parts thereof shall be kept in good repair by the owner, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as not to cause dampness in the walls or ceilings.

413.67 Water supply—sinks. Every dwelling not exempted in section 413.8 shall have within the dwelling at least one proper sink with running water furnished in sufficient quantity at one or more places exclusive of the cellar. In two-family dwellings and multiple dwellings of class A there shall be at least one sink on every floor, accessible to each family on the floor occupied by said family without passing through any other apartment. Where city water is not available the owner shall provide proper and suitable tanks, pumps, or other appliances to receive and to distribute an adequate and sufficient supply of water at each floor in the said dwelling at all times of the year, during all hours of the day and night. But a failure in the general supply of city water shall not be construed to be a failure on the part of such owner, provided proper and suitable appliances to receive and distribute such water have been provided in said dwelling.

413.68 Catch basins. In the case of dwellings where, because of lack of city water supply or sewers, sinks with running water are not provided inside the dwellings, one or more catch basins or some other approved con-

venience for the disposal of waste water, if necessary in, the opinion of the health officer, shall be provided in the yard or court, level with the surface thereof and at a point easy of access to the occupants of such dwelling.

413.69 Accumulations of dirt. Every dwelling and every part thereof shall be kept clean and shall also be kept free from any accumulation of dirt, filth, rubbish, garbage, or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same. The owner of every dwelling and in the case of a private dwelling the occupant thereof, shall thoroughly cleanse or cause to be cleansed all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs, and all other parts of the said dwelling, or part of the dwelling of which he is the owner or in case of a private dwelling the occupant, to the satisfaction of the health officer, shall keep the said parts of said dwelling in a clean condition at all times.

413.70 Color of walls of courts. In multiple dwellings the walls of all courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health officer.

413.71 Color of walls of other rooms. In all multiple dwellings erected prior to this chapter, the health officer may require the walls and ceilings of every room that does not open directly on the street to be calcimined or painted so as to furnish adequate lighting of such room and may require this to be renewed as often as may be necessary.

413.72 Garbage receptacles. The owner of every dwelling and in the case of a private dwelling the occupant shall provide for said dwelling, keep clean and in place, properly covered receptacles of nonabsorbent material for holding garbage, refuse, rubbish, and other waste matter. Garbage chutes are prohibited.

413.73 Animals. No horse, cow, calf, swine, sheep, goat, chickens, geese or ducks shall be kept in any dwelling or part thereof. Nor shall any such animal be kept on the same lot or premises with a dwelling except under such conditions as may be prescribed by the health officer. No such animal, except a horse, shall under any circumstances be kept on the same lot or premises with a multiple dwelling. No dwelling or the lot or premises thereof shall be used for the storage or handling of rags or junk.

413.74 Articles dangerous to life or health. No dwelling nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping, or handling of any article dangerous or detrimental to life or health; nor of any combustible article except under such conditions as may be prescribed by the fire commissioner, or the proper official under authority of a written permit issued by him.

413.75 Openings where paint or oil is stored. There shall be no transom, window, or door opening into a public hall from any part of a multiple dwelling where paint, oil, gasoline, or drugs are stored or kept for the purpose of sale or otherwise. This provision shall not apply to hotels.

413.76 Janitors. In any multiple dwelling in which the owner thereof does not reside, there shall be a janitor, housekeeper, or other responsible person who shall have charge of the same, if the health officer shall so require.

413.77 Overcrowding of rooms. If any room in a dwelling is overcrowded the health officer may order the number of persons sleeping or living in said room to be so reduced that there shall be not less than four hundred cubic feet of air to each adult and two hundred cubic feet of air to each child under twelve years of age occupying such room.

413.78 Subletting of lodgings—eviction. The health officer may prohibit in any multiple dwelling the letting of lodgings therein by any of the tenants occupying such multiple dwelling, and may prescribe conditions under which lodgers or boarders may be taken in multiple dwellings. It shall be the duty of the owner in the case of multiple dwellings to see that the requirements of the health officer in this regard are at all times complied with, and a failure to so comply on the part of any tenant, after due and proper notice from said owner or from the health officer, shall be deemed sufficient cause for the summary eviction of such tenant and the cancellation of his lease. The provisions of this section may be extended to private dwellings and two-family dwellings, as may be found necessary by the health officer.

413.79 Dwellings unfit for habitation—eviction. Whenever it shall be certified by an inspector or officer of the health department that a dwelling is infected with contagious disease or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, lighting, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said dwelling, the health officer may issue an order requiring all persons therein to show cause why they should not be required to vacate such house within a time to be set by him, for the reasons to be mentioned in said order. In case such order is not complied with within the time specified, the health officer may cause said dwelling to be vacated. The health officer, whenever he is satisfied that the danger from said dwelling has ceased to exist, or that it is fit for human habitation, may revoke said order or may extend the time within which to comply with the same.

413.80 Nuisances. Whenever any dwelling or any building, structure, excavation, business pursuit, matter, or thing, in or about a dwelling, or the lot on which it is situated, or the plumbing, sewerage, drainage, light, or ventilation thereof, is in the opinion of the health officer in a condition or in effect dangerous or detrimental to life or health, the health officer may after notice and failure to correct, declare that the same to the extent he may specify is a public nuisance, and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified as the order shall specify.

413.81 Fire escapes. The owner of every multiple dwelling on which there are fire escapes shall keep them in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place an obstruction of any kind before or upon such fire escape.

413.82 Scuttles and bulkheads. In all multiple dwellings where there are scuttles or bulkheads, they and all stairs or ladders leading thereto shall be easily accessible to all occupants of the building and shall be kept free from obstruction and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but may be fastened on the inside by movable bolts or hooks.

IMPROVEMENTS

413.83 Windows. No room in a dwelling erected prior to the passage of this chapter shall hereafter be occupied for living purposes unless it shall have a window of an area of not less than eight square feet opening directly upon the street, or upon a rear yard not less than four feet deep, or above the roof of an adjoining building, or upon a court or side yard of not less than twenty-five square feet in area open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight, opening directly to the outer air; except that a room which can not be made to comply with the above provisions may be occupied if provided with a sash window of not less than fifteen square feet

in area, opening into an adjoining room in the same apartment group or suite of rooms, which latter room opens directly on the street or on a rear yard of the above dimensions. Said sash window shall be a vertically sliding pulley-hung sash not less than three feet by five feet between stop beads, both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in the said outer room opening on the street or rear yard so as to afford a maximum of light and ventilation.

413.84 Light and ventilation. In all multiple dwellings erected prior to the passage of this chapter the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the board of health who may order the cutting in of windows and skylights and such other improvements and alterations in said dwellings as in its judgment may be necessary and appropriate to accomplish this result. All new skylights hereafter placed in such dwellings shall be of such size as may be determined to be practicable by said board of health.

413.85 Sinks and water-closets. In all multiple dwellings erected prior to the passage of this chapter the woodwork incasing sinks except sinks in butler's pantries, and water-closets shall be removed and the space underneath said fixtures shall be left open. The floor and wall surfaces beneath and around the said fixtures shall be put in good order and repair, and if of wood shall be kept well painted. Defective and insanitary water-closet fixtures shall be replaced by proper fixtures, as defined by this chapter.

413.86 Sewer connections. Whenever a connection with a sewer is possible, all privy vaults, range closets, cesspools, or other similar receptacles used to receive fecal matter, urine, or sewerage, shall, before July 1, 1920, with their contents, be completely removed and the place where they were located properly disinfected under the direction of the health officer. Such appliances shall be replaced by individual water-closets of durable nonabsorbent material, properly sewer-connected, and with individual traps and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each such water-closet shall be located inside the dwelling or other building in connection with which it is to be used in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than four square feet in area opening directly to the street or rear yard or on a side yard or court of the minimum size prescribed in sections 413.14 and 413.15. Such water-closets shall be provided in such numbers as required by section 413.62. Such water-closets and all plumbing in connection therewith shall be sanitary in every respect and, except as in this chapter otherwise provided, shall be in accordance with the local ordinances and regulations in relation to plumbing and drainage. Pan, plunger, and long hopper closets will not be permitted except upon written permit of the health officer. No water-closet shall be placed out of doors.

413.87 Freedom from dampness. The floor of the cellar or lowest floor of every dwelling shall be free from dampness, and, when necessary in the judgment of the health officer, shall be concreted with not less than two inches of concrete of good quality and with a finished surface.

413.88 Access to shaft or court. In every dwelling where there is a court or shaft of any kind, there shall be at the bottom of every such shaft and court a door giving sufficient access to such shaft or court to enable it to be properly cleaned out; provided that where there is already a window giving proper access it shall be deemed sufficient.

413.89 Ways of egress. Every multiple dwelling exceeding two stories in height shall have at least two independent ways of egress constructed and arranged as provided in section 413.36. In the case of multiple dwellings erected prior to the passage of this chapter, where it is not practicable in the judgment of the building inspector to comply in all respects with the

provisions of that section, said building inspector shall make such requirements as may be appropriate to secure proper means of egress from such multiple dwellings for all the occupants thereof. No existing fire escape shall be deemed a sufficient means of egress unless the following conditions are complied with:

1. All parts of it shall be of iron, cement, or stone.
2. The fire escape shall consist of outside balconies, which shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than twenty-four by twenty-eight inches.
3. All fire escapes shall have proper drop ladders or stairways from the lowest balcony of sufficient length to reach a safe landing place beneath.
4. All fire escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or alley or to the adjoining premises.
5. Prompt and ready access shall be had to all fire escapes, which shall not be obstructed by bathtubs, water-closets, sinks, or other fixtures, or in any other way.

413.90 Additional egress. Whenever any multiple dwelling is not provided with sufficient means of egress in case of fire, the building inspector shall order such additional means of egress as may be necessary.

413.91 Skylight—access to roof. Unless there is a bulkhead in the roof there shall be over every inside stairway used by more than one family, a skylight or scuttle not less than two feet by three feet in size. Every flat roof multiple dwelling, exceeding one story in height, shall have at least one convenient and permanent means of access to the roof located in a public part of the building and not in a room or closet.

REQUIREMENTS AND REMEDIES

413.92 Plans, plats, and specifications required. Before the construction or alteration of a dwelling, or the alteration or conversion of a building for use as a dwelling is commenced and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner, or his agent or architect, shall submit to the board of health a detailed statement in writing, certified by the affidavit of the person making the same, of the specifications for such dwelling or building, upon blanks or forms to be furnished by such board of health, and also full and complete copies of the plans of such work. With such statement there shall be submitted a plat of the lot showing the dimensions of the same, the location of the proposed building and all other buildings on the lot.

413.93 Detailed requirements. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such dwelling or building and the purposes for which such dwelling or building will be used. If such construction, alteration, or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such dwelling, either as owner, lessee, or in any representative capacity. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such dwelling, building, structure, lot, and proposed work.

413.94 By whom made. The statements and affidavits herein provided for may be made by the owner, his agent or architect, or by the person who proposes to make the construction, alteration, or conversion, or by the agent or architect of such person.

413.95 Who deemed agent. No one, however, shall be recognized as the agent of the owner or of such person unless he shall file with said health officer a written instrument signed by such owner or person, as the case may be, designating him as such agent.

413.96 Perjury. Any intentional false oath in a material point in any such affidavit shall be deemed perjury.

413.97 Filing and preservation. Such specifications, plans, and statements shall be filed in said health department and shall be deemed public records, but no such specifications, plans, or statements shall be removed from said health department.

413.98 Approval. The health officer shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this chapter they shall within five days be approved by the health officer or his duly authorized assistant, and a written certificate to that effect shall be issued by him to the person submitting the same. The health officer shall, from time to time, approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law.

413.99 Construction prohibited. The construction, alteration, or conversion of such dwelling, building, or structure, or any part thereof, shall not be commenced until the filing of such specifications, plans, and statements, and the approval thereof, as above provided.

413.100 Certificate of health officer. No permit shall be granted and no plan approved by the department of buildings, where such exists, for the construction or alteration of a dwelling or for the alteration or conversion of any building for use as a dwelling until there has been filed in the office of the department of buildings a certificate of the health officer issued as above provided to the effect that such dwelling conforms to the provisions of this chapter.

413.101 Construction authorized. The construction, alteration, or conversion of such dwelling, building, or structure shall be in accordance with such approved specifications and plans.

413.102 Permit automatically canceled. Any permit or approval which may be issued by the health officer, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation.

413.103 Revocation of permit. The health officer or his duly authorized assistant shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this chapter, or in case any false statements or representation is made in any specifications, plans, or statements submitted or filed for such permit or approval.

413.104 Enforcement in certain cities. In cities of more than one hundred thousand population, as shown by the last state or federal census, having a department or division of building inspection in charge of a person devoting his entire time to the supervision of building construction and to the enforcement of laws and ordinances relating to building construction, repair, alteration, removal, and to related matters, the city council may by ordinance provide that said person shall be charged with the powers and duties charged in sections 413.92 to 413.103, inclusive, to the board of health and to the health officer, and that all plans, specifications, affidavits, forms, and statements, in said sections prescribed to be filed with the health officer shall be filed with such person; and that said person may issue valid permits, certificates, and orders providing, without the certificate of the health officer hereinbefore provided to be filed in the office of the department of buildings.

413.105 New or altered buildings—habitation. No part of a building hereafter constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health officer that such part of said dwelling conforms to the requirements

of this chapter relative to dwellings hereafter erected. Such certificate shall be issued within three days after written application therefor if said dwelling at the date of such application shall be entitled thereto.

413.106 Rents uncollectable. If any building hereafter constructed as, or altered into, a dwelling be occupied in whole or in part for human habitation in violation of section 413.105, during such unlawful occupation no rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor or for possession of said premises for non-payment of said rent, and said premises shall be deemed unfit for human habitation and the health officer may cause them to be vacated accordingly.

413.107 Violations. Every person who shall violate or assist in the violation of any provision of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars or more than one hundred dollars, and in default in payment thereof, by imprisonment in the county jail for not more than thirty days.

413.108 Civil liability. The owner of any dwelling, or of any building or structure upon the same lot with a dwelling, or of the said lot, where any violation of this chapter, or a nuisance as herein defined, exists who has been guilty of such violation or of creating or knowingly permitting the existence of such nuisance, and any person who shall violate or assist in violating any provision of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of fifty dollars to be recovered for the use of the health department in civil action brought in the name of the municipality by the health officer. Such persons and also said premises shall also be liable in such case for all costs, expenses, and disbursements paid or incurred by the health department, by any of the officers, agents, or employees thereof in the removal of any such nuisance or violation.

413.109 Additional liability. Any person who having been served with a notice or order to remove any such nuisance or violation shall fail to proceed in good faith to comply with said notice or order within five days after such service, or shall continue to violate any provisions or requirements of this chapter in the respect named in said notice or order, shall also be subject to a civil penalty of fifty dollars.

413.110 Recovery. For the recovery of any such penalties, costs, expenses, or disbursements, an action may be brought in any court of competent civil jurisdiction.

413.111 Lien on property. The existence of a nuisance in or upon such dwelling, structure on the same lot with a dwelling, or on such lot, which the owner thereof has created or permitted to exist and any violation of this chapter as to such dwelling, structure, and lot of which the owner has been guilty shall in such proceeding subject such dwelling, structure, and lot respectively to a penalty of fifty dollars, which shall be a lien thereon until paid; and any violation of an order made or a notice given by the health officer, permitted or committed by the owner of a dwelling, structure on the same lot with a dwelling, or such lot, shall in such proceeding subject the dwelling, structure, and lot respectively to a penalty of fifty dollars, which penalty shall be a lien thereon until paid.

413.112 Practice and procedure generally. Except as herein otherwise specified, the procedure for the prevention of violations of this chapter or for the vacation of premises unlawfully occupied, or for other abatement of nuisances, or for the bringing of action therefor, shall be in accordance with the existing practice and procedure.

413.113 Action to enjoin. In case any dwelling, building, or structure is constructed, altered, converted, or maintained in violation of any provision of this chapter, or of any order or notice of the health officer, or in case a

nuisance exists in any such dwelling, building, or structure or upon the lot on which it is situated, said health officer may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion, or maintenance, to restrain, correct, or abate such violation or nuisance, to prevent the occupation of said dwelling, building, or structure, or to prevent any illegal act, conduct, or business in or about such dwelling or lot.

413.114 Injunction. In any such action or proceeding said health officer may by petition duly verified, setting forth the facts, apply to the district, superior, or municipal court, or to any judge thereof in term time or vacation, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such dwelling, building, structure, or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

413.115 Authority to execute. In case any notice or order issued by said health officer is not complied with, said health officer may apply to the district, superior, or municipal court or to any judge thereof in term time or vacation for an order authorizing him to execute and carry out the provisions of said notice or order, to correct any violation specified in said notice or order, or to abate any nuisance in or about such dwelling, building, or structure or the lot upon which it is situated.

413.116 Orders authorized. The court or any judge thereof is hereby authorized to make any order specified in sections 413.114 and 413.115.

413.117 Eviction. If the occupant of a dwelling shall fail to comply with the provisions of this chapter after due and proper notice from the health officer, such failure to comply shall be deemed sufficient cause for the eviction of such tenant by the owner and the cancellation of his lease.

413.118 Name and address of agent filed. Every owner, agent, or lessee of a dwelling may file in the health department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this chapter, and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the health department easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

413.119 Notices generally. Every notice or order required by this chapter shall be served at least ten days before the time for doing the thing in relation to which it shall have been issued, unless otherwise herein provided. The posting of a copy of such notice or order in a conspicuous place in the dwelling, together with the mailing of a copy thereof on the same day that it is posted, to the owner and lessee of the dwelling affected thereby, and each person, if any, whose name has been filed with the health department in accordance with the provisions of section 413.118 at his address as filed, shall be sufficient service thereof.

413.120 Notice of actions. In any action brought by the health officer in relation to a dwelling for injunction, vacation of the premises, or abatement of nuisance, or to establish a lien thereon, or to recover a civil penalty, service of notices shall be in the manner provided by law for the service of original notices; provided that if the address of any agent whose name and address have been filed in accordance with the provisions of section 413.118 is in the county in which the dwelling is situated, then such notice may be served upon such agent.

413.121 Enforcement generally. The provisions of this chapter shall be enforced in each city by the health officer, except that the department of buildings, where such department exists in a city, shall enforce the provisions

contained in sections 413.35 to 413.46, inclusive, and 413.89 to 413.91, inclusive.

413.122 Construction. The powers conferred by this chapter upon the public officials heretofore in this chapter mentioned shall be in addition to the powers already conferred upon said officers, and shall not be construed as in any way limiting their powers except as provided in section 413.9.*

413.123 Inspection of multiple dwellings. The health officer or such other appropriate public official as the mayor may designate, shall cause an inspection to be made of every multiple dwelling at least once a year. Such inspection shall include thorough inspection of all parts of such multiple dwelling and the premises connected therewith. The health officer or such other official so designated is also hereby empowered to make similar inspections of all dwellings as frequently as may be necessary; and shall make inspection at any time on complaint of the owner, tenant, or other person concerned.

413.124 Entrance and survey of buildings. The health officer and all inspectors, officers, and employees of the board of health, and such other persons as may be authorized by the health officer, may without fee or hindrance enter, examine, make necessary records, and survey all premises, grounds, erections, structures, apartments, dwellings, buildings, and every part thereof in the city. The owner or his agent or representative and the lessee and occupant of every dwelling and every person having the care and management thereof shall at all reasonable times when required by any such officers or persons give them free access to such dwellings and premises. The owner of a dwelling and his agents and employees shall have right of access to such dwelling at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

413.125 Ordinances. All charter provisions, regulations, and ordinances of cities are hereby superseded in so far as they do not impose requirements other than the minimum requirements of this chapter, and except in case of such higher local requirements, this chapter shall in all cases govern.

MUNICIPAL ZONING

(Note: Only the section involving the powers granted to cities and towns relative to zoning as a matter of public health is cited below. For complete reference to such title, see chapter 414 of the 1946 code of Iowa.)

414.1 Building restrictions—powers granted. For the purpose of promoting the health, safety, morals, or the general welfare of the community, any city or town, including cities acting under the commission plan of government, is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

NUISANCES

(Note: Only the sections involving the above title as applied to public health are cited below. For a complete reference to such title, see chapter 657 of the 1946 code of Iowa.)

657.1 Nuisance—what constitutes—action to abate. Whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin, abate the same and to recover damages sustained on account thereof.

1. **Corrupt water of stream.** It is a nuisance to corrupt and render unwholesome and impure the waters of a stream, without regard to the number of persons injuriously affected thereby.

State vs. Smith, 82-423; 48 NW 727.

2. **Fouling stream with city sewage.** The fouling of the waters of a stream constitutes a public offense, and a city thus fouling a running stream with its sewage may be liable for nuisance to an abutting owner injured thereby.

Vogt vs. Grinnell, 133-363; 110 NW 603.

3. **Pollution of stream.** Where an upper owner contributes to the pollution of a stream already polluted by others, and it appears that the water would have been good for stock and free from noxious odors but for such contribution, he will be liable for damages to the lower owner.

Ferguson vs. Firmenich Mfg. Co., 77-576; 42 NW 448.

4. **Rendering plant.** Under the facts of a particular case, held, that a rendering establishment maintained by defendant was shown to have been a nuisance, injurious to plaintiff.

Millhiser vs. Willard, 96-327; 65 NW 325.

5. **Public markets.** From time immemorial the creation and maintenance of public markets has been deemed an incident of sovereignty.

Miller vs. Webster City, 94-162; 62 NW 648.

6. **Unwholesome odors.** The fact that stock yards are necessary to the operation of a railroad will not prevent recovery by a property owner for damages from unwholesome odors therefrom.

Shively vs. C. R., I. F. & N. R. Co., 74-169; 37 NW 133.

7. **Orders of board of health.** The order of a city council as a board of health declaring a structure a nuisance and dangerous to public health is not conclusive in an action against person maintaining such structure by one who claims to be injured thereby.

Kallsen vs. Wilson, 80-229; 45 NW 765.

8. **Action for damages—evidence.** Evidence that a nuisance was a "health hazard" is fairly justified by a pleading that plaintiff and his family were, by reason of the nuisance, subject to "offensive, obnoxious, and poisonous odors * * * and detrimental to the comfort, use, and enjoyment of their property."

Hill vs. City, 203-1392; 214 NW 592.

657.2 What deemed nuisances. The following are nuisances:

1. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

2. The causing or suffering any offal, filth, or noisome substance to be collected, or to remain in any place to the prejudice of others.

3. The corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

1. **Contributing to contamination of water.** A party who contributes to the contamination of water in a stream is guilty under this section.

State vs. Smith, 82-423; 48 NW 727.

2. **Pollution caused by defendant.** In a particular case, held, that the defendant was sufficiently in control of the manufactory which caused the pollution of the water in a stream to render him criminally liable under this section.

State vs. Smith, 82-423; 48 NW 727.

3. **Refuse from glucose works.** Discharging refuse from glucose works into a running stream, so as to pollute and corrupt the water at a point lower down the stream and in another county from that where the glucose works are situated, will constitute a nuisance at the place where the water is thus polluted and corrupted.

State vs. Glucose Sugar Refin. Co., 117-524; 91 NW 794.

657.3 Penalty—abatement. Whoever is convicted of erecting, causing or continuing a public or common nuisance as provided in this chapter, or at common law when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided, shall be fined not exceeding one thousand dollars, or be imprisoned in the county jail not ex-

ceeding one year, and the court, with or without such fine, may order such nuisance abated, and issue a warrant as hereinafter provided.

Avoidance of peremptory abatement by city sewer system which is being maintained by a municipality for sanitary purposes but which is a nuisance, should not be peremptorily and finally abated but the court should (while retaining jurisdiction) enter an interlocutory order of abatement and give the municipality a reasonable time in which to effect the abatement.

Stovem vs. Town, 204-983; 216 NW 112.

PUBLIC HEALTH AND SAFETY

732.1 Spreading infectious disease. If any person inoculate himself or any other person or suffer himself to be inoculated with the smallpox within the state, or come within the state with the intent to cause the prevalence or spread of this infectious disease, he shall be imprisoned in the penitentiary not more than three years, or be fined not exceeding one thousand dollars and imprisoned in the county jail not exceeding one year.

732.2 Putting infected person on public conveyance. If any person shall place or put, or aid or abet in placing or putting, any person upon any railroad car, steamboat, or other public conveyance, knowing such person to be infected with diphtheria, smallpox, or scarlet fever, he shall be fined not more than one hundred dollars, or be imprisoned in the county jail not more than thirty days.

732.3 Throwing dead animals or refuse in stream. If any person throw, or cause to be thrown, any dead animal, night soil, or garbage into any river, well, spring, cistern, reservoir, stream, or pond, or in or upon any land adjoining, which is subject to overflow, he shall be imprisoned in the county jail not less than ten nor more than thirty days, or be fined not less than five nor more than one hundred dollars.

732.4 Selling drugged liquors. If any person wilfully sell or keep for sale intoxicating, malt, or vinous liquors, which have been adulterated or drugged by admixture with any deleterious or poisonous substance, he shall be fined not exceeding five hundred dollars, or be imprisoned in the penitentiary not exceeding two years.

732.5 Disposing of liquors to Indians. If any person give, sell, or dispose of any spirituous or intoxicating drinks to any Indian within this state, he shall be fined not exceeding two hundred dollars, or be imprisoned in the county jail not exceeding one year, or both.

732.6 Use of dangerous fluids forbidden. It shall be unlawful for any person to establish or operate any dye works, pantorium, or cleaning works, in which gasoline, benzine, naphtha, or other explosive or dangerous fluids are used for the purpose of cleaning or renovating wearing apparel or other fabrics, in any building any part of which is used as a residence or lodging house.

732.7 Punishment. Any person convicted of violating the provisions of section 732.6 shall be fined in a sum not exceeding fifty nor less than ten dollars.

732.8 Depositing samples on porches. It shall be unlawful for any person, firm, company, or corporation, either in person or by agent, to deposit any sample of any drugs or medicine upon any porch, lawns, in any vehicle, or any other place where such drugs or medicine might be picked up by children or other persons.

732.9 Punishment. Any person, firm, company, corporation, or agent thereof violating the provisions of section 732.8 shall be guilty of a misdemeanor.

DESTRUCTION OF FOOD PRODUCTS

743.1 Waste of food products to increase price. It shall be unlawful for any person, firm, or corporation to wilfully destroy, or negligently suffer to go to waste, with intent to increase the price thereof, any food products of any nature or description, without the authority or consent of the local board of health or local officer of the city, town, or township in which the food products are located.

734.2 Punishment. Any person, firm, or corporation violating any of the provisions of section 734.1 shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine in a sum of not more than one thousand dollars, or be imprisoned for any length of time not exceeding one year, or be punished by both such fine and imprisonment.

UNIFORM NARCOTIC DRUG ACT

204.1 Definitions. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

1. "Person" includes any corporation, association, co-partnership, or one or more individuals.

2. "Physician" means a person authorized by a law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

3. "Dentist" means a person authorized by law to practice dentistry in this state.

4. "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

5. "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process, produces or prepares narcotic drugs, but does not include a pharmacist who compounds narcotic drugs to be sold or dispensed on prescriptions.

6. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

7. "Pharmacist" means a registered pharmacist of this state.

8. "Pharmacy owner" means the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him by pharmacy laws of this state.

9. "Hospital" means an institution for the care and treatment of sick and injured, approved by the Iowa pharmacy examiners as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

10. "Laboratory" means a laboratory approved by the Iowa pharmacy examiners, as proper to be entrusted by the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purpose of instruction.

11. "Sale" includes barter, exchange, gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

12. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

13. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

14. "Cannabis" includes all parts of the plant *Cannabis Sativa* L., whether

growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

15. "Narcotic drugs" means coca leaves, opium and cannabis.

16. "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

17. "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law "and if no such order form is provided, then on an official form provided for that purpose by the Iowa Pharmacy Examiners."

18. "Dispense" includes "distribute", "leave with", "give away", "dispose of", or "deliver".

19. "Registry number" means the number assigned to each person registered under the federal narcotic laws.

204.2 Acts prohibited. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this chapter.

204.3 License to manufacture—exception as to cannabis. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license to do so from the Iowa pharmacy examiners. The fee for such license shall be five dollars. Every license shall expire on the thirtieth day of June following the date of issuance of such license and shall be renewed annually. The renewal fee shall be two dollars. Provided, however, that this section shall not apply to pharmacists, physicians, dentists and veterinarians in the regular course of their legitimate professional activities.

204.4 Licenses—qualifications, denial, revocation. No license shall be issued under section 204.3 unless and until the applicant therefor has furnished proof satisfactory to the Iowa pharmacy examiners:

1. That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

2. That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The Iowa pharmacy examiners may suspend or revoke any license for cause.

204.5 Sale on written orders. 1. A duly licensed manufacturer of wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written order:

a. To a manufacturer, wholesaler, pharmacist, or pharmacy owner;

b. To a physician, dentist, or veterinarian;

c. To a person in charge of a hospital, but only for use by or in that hospital;

d. To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

2. A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

a. On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possession, or dispensing narcotic drugs by reason of his official duties;

b. To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port, or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States, Army, Navy, or Public Health Service employed upon such ship or aircraft; provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft or to the physician, surgeon, or retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service;

c. To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

3. An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the federal narcotic laws respecting the requirements governing the use of order forms.

4. Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if obtained in the regular course of business, occupation, profession, employment, or duty of the possessor.

5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer nor dispense nor otherwise use such drugs, within this state, except within the scope of his employment or official duty and then only for scientific or medical purposes and subject to the provisions of this chapter.

204.6 Sales by pharmacists. 1. A pharmacist, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, provided it is properly executed, dated and signed in indelible pencil or ink by the person prescribing, on the day when issued or the following day, and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be refilled.

2. The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufac-

turer, wholesaler, pharmacist, or pharmacy owner, but only on an official written order.

3. A pharmacist, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medical purposes.

204.7 Professional use of narcotic drugs. 1. A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe on a written prescription, administer or dispense narcotic drugs or may cause the same to be administered by a nurse or interne under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom the narcotic drug is prescribed, and the full name, address and registry number under the federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

2. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe on a written prescription, administer or dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal, the species of the animal for which the narcotic drug is prescribed and the full name, address and registry number under the federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

3. Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist or veterinarian, shall return to such physician, dentist or veterinarian any unused portion of such drug, when it is no longer required by the patient.

204.8 Preparations exempted. Except as otherwise in this chapter specifically provided this chapter shall not apply to the following cases:

Administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

The exemptions authorized by this section shall be subject to the following conditions: (1) that the medicinal preparation administered, dispensed, or sold shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold in compliance with the general provisions of this chapter.

Nothing in this section shall be construed to permit any person to prescribe, administer, compound, dispense, or sell any of the preparations included herein, except those persons duly qualified under this chapter to engage in the distribution of narcotics.

204.9 Record to be kept. 1. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of

solutions or other preparations of such drugs for local application shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

2. Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them in accordance with the provisions of subsection (5) of this section.

3. Pharmacists and pharmacy owners shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (5) of this section.

4. Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 204.8, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection (5) of this section.

5. The record of narcotic drugs received shall in every case show the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.*, received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of drugs. Every record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any; the kind and quantity of such drugs and the date of the discovery of such loss, destruction or theft.

6. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 687.7.

204.10 Labels. 1. Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind and form of narcotic drug contained therein. No person, except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

2. Whenever a pharmacist or pharmacy owner sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address and registry number, or the name, address and registry number of the pharmacist for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface or remove any label so affixed as long as any of the original contents remain.

3. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 687.7.

204.11 Authorized possession of narcotic drugs by individuals. A person to whom or for whose use any narcotic drug has been prescribed, sold or dispensed, by a physician, dentist or pharmacist or other person authorized under the provisions of section 204.5, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

204.12 Persons and corporations exempted. The provisions of this chapter restricting the possession and control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

204.13 Common nuisances. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such common nuisance.

204.14 Forfeiture of conveyance. Any automobile or other vehicle used, or intended to be used, to conceal, convey, carry, or transport in violation of this chapter any of the drugs defined in section 204.1, or any automobile or vehicle in which any of the drugs defined in said section are unlawfully possessed by an occupant with the knowledge of the owner thereof, shall be forfeited to the state of Iowa, under the provisions of chapter 127.

204.15 Narcotic drugs—disposal. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited and disposed of as follows:

1. Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroyed them.

2. Upon written application by the State Commissioner of Health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said State Commissioner of Health, for distribution or destruction, as hereinafter provided.

3. Upon application by any hospital within this state, not operated for private gain, the State Commissioner of Health may in his discretion deliver any narcotic drugs that have come into his custody by authority of this section to the applicant for medicinal use. The State Commissioner of Health may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

4. The State Commissioner of Health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal or destruction; which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

204.16 Notice of conviction to be sent to licensing board. On the conviction of any person of the violation of any provision of this chapter, a

copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

204.17 Records, confidential. Prescriptions, orders, and records, required by this chapter, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county and municipal officers whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

204.18 Fraud or deceit. 1. No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

2. Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

3. No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

4. No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, veterinarian, or other authorized person.

5. No person shall make or utter any false or forged prescription or written order.

6. No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

7. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 204.8, in the same way as they apply to transactions under all other sections.

204.19 Burden of proof. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provisions of this chapter it shall not be necessary to negative any exception, excuse, proviso, or exemption contained in this chapter and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

204.20 Enforcement and cooperation. It is hereby made the duty of the Iowa pharmacy examiners, its officers, agents, inspectors and representatives, and of all peace officers within the state, and of all county attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

204.21 Search warrant. Any narcotic drugs kept, manufactured or dispensed in violation of the laws of the United States or of this chapter, or any instrument, container, or other equipment used or intended to be used in manufacturing, keeping or dispensing such drug, may be seized,

confiscated and disposed of under a search warrant proceeding and the procedure shall be the same as provided under chapter 751.

204.22 Penalties. 1. Any person violating any provision of this chapter, except as otherwise provided, shall, upon conviction thereof, be punished, for the first offense, by a fine not exceeding one thousand dollars, or by imprisonment in the state penitentiary not exceeding two years, or by both such fine and imprisonment; and for any subsequent offense, by a fine not exceeding two thousand dollars, or by imprisonment in the state penitentiary not exceeding ten years, or by both such fine and imprisonment.

2. Any person who takes, steals, or carries away any narcotic drugs the property of any person who is duly authorized by law to engage in administering, dispensing, or selling of narcotic drugs shall be guilty of a felony punishable by imprisonment in the reformatory or penitentiary for a period not to exceed five years, or by a fine of not more than one thousand dollars, or both.

204.23 Effect of acquittal or conviction under federal narcotic laws. No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this chapter.

204.24 Interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

204.25 Name of act. This chapter may be cited as the "Uniform Narcotic Drug Act".

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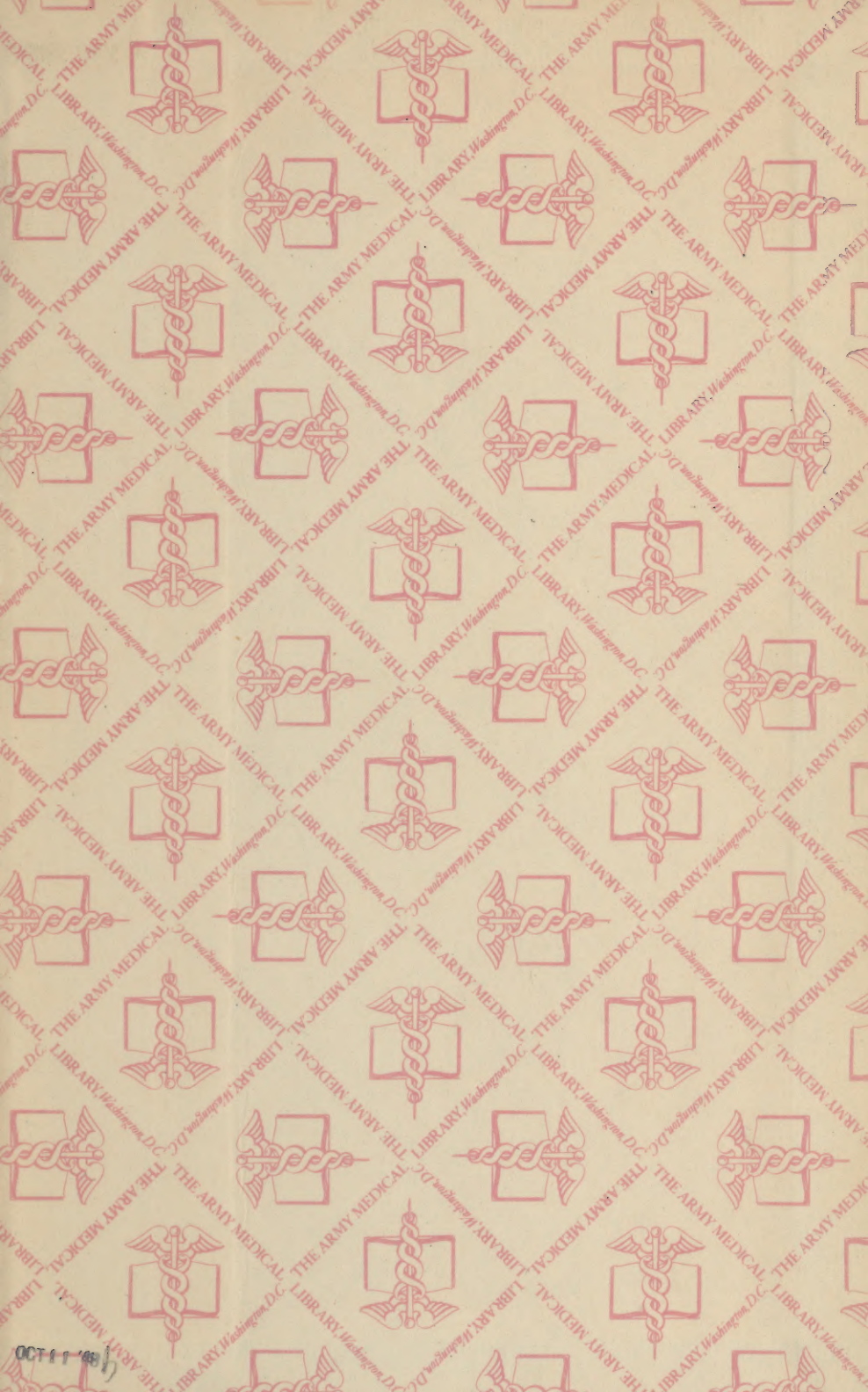
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